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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Consideration of reports submitted by States parties under article 73 of the Convention

Initial reports of States parties due in 2012

Bangladesh*

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Acronyms and abbreviations

BDT	Bangladeshi Taka
BMET	Bureau of Manpower Employment and Training
BOESL	Bangladesh Overseas Employment Services Limited
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of their Families
EPZ	Export Processing Zones
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ILO	International Labour Organization
IOM	International Organization for Migration
MoCAT	Ministry of Civil Aviation and Tourism
MoEWOE	Ministry of Expatriates Welfare and Overseas Employment
MoF	Ministry of Finance
MoFA	Ministry of Foreign Affairs
MOHA	Ministry of Home Affairs
MoLE	Ministry of Labour and Employment
MoU	Memorandum of Understanding
OE Act 2013	Overseas Employment and Migrants' Act, 2013
PKB	Probashi Kallyan Bank (Expatriates' Welfare Bank)
UNDP	United Nations Development Programme
WEWB	Wage Earners' Welfare Board

Country overview

Location and geography

1. Bangladesh emerged as an independent nation on 16 December 1971 followed by a nine-month long Liberation War under the leadership of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman. It is located in Southern Asia, bordering the Bay of Bengal, between Myanmar and India with an area of 145,570 square kilometers.

2. The country consists of low, flat and fertile land, except the hilly regions in the Northeast and the Southeast, some areas of highland in the North and North Western part. Bangladesh is a country of rivers. The major rivers, Padma, Meghna, Jamuna, Teesta, Brahmaputra, Surma and Karnaphuli covering the country, flow down to the Bay of Bengal and heavy silts deposited by the rivers during the rainy season and thus continuously enriching the alluvial soil.

Demography

3. The total population of Bangladesh stood at 150.2 million at the time of population census in 2011 with a population density of 1,015 per square kilometer. The total child population in 2012 stood at around 510 million of which 302 million are boys and 208 million are girls. There are approximately 33.03 million households in the country and average household size is 4.4. Of the total population, 74.98 millions are male and 74.79 million are female, which yields a sex ratio of 100.3 indicating almost equal numbers of men and women in the country. The average annual population growth rate is 1.37%. Approximately 83% of the population is Muslim, 16% is Hindu and 1% is Buddhist, Christian or other (BBS Population Census, 2011).

Economy

4. Bangladesh has made significant economic progress over the last ten years. Annual economic growth has averaged 5-6% since 2000 and incomes have doubled in less than thirty years. Real per capita income has increased by more than 130%, poverty rate has declined by more than half and the country is well set to achieve most of the Millennium Development Goals (MDG). 10% poverty rate has declined during the reporting period.

5. Bangladesh's development experience is particularly remarkable in a sense that it stands out as a positive example of a resilient young nation that has fought many natural disasters as well as internal political conflicts and yet stayed firm on the development path. Per capita income has been raised continuously and steady progress has been made in reducing poverty. Despite the progress in economic growth, poverty is the single most important socio-economic policy challenge for Bangladesh.

6. The agriculture sector is a major component of the Bangladesh economy. The sector contributes more than 16% of GDP and employs around half of the working population. Remittance plays a major role in reducing poverty and increasing economic growth by driving consumer spending. Remittance inflows have more than doubled in the last five years under the dynamic leadership of Hon'ble Prime Minister Sheikh Hasina.

7. The present Government adopted the Vision 2021. The Vision 2021 and the associated Long Term Perspective Plan 2010-2021 have set solid development targets for Bangladesh by the end of 2021. By achieving those targets the socio-economic environment

of Bangladesh will be transformed from a low income economy to the first stage of a middle income economy. Along with higher per capita income, Vision 2021 lays down a development scenario where citizens will have a higher standard of living, better education, better social justice, more equitable socio-economic environment and the sustainability of development will be ensured.

Legal and administrative framework

8. Bangladesh has a parliamentary system of government. The National Parliament has 300 seats elected by popular vote from single territorial constituencies. In addition 50 seats are reserved for women. Elected members serve for a period of five years.

9. The President appoints as Prime Minister a Member of Parliament who appears to him to command the support of the majority of the members of parliament. The President is the Head of State and the Prime Minister is the Head of Government. The Cabinet Ministers are selected by the Prime Minister. The President acts in accordance with the advice of the Prime Minister. The executive power is exercised by the Prime Minister.

10. The Supreme Court of Bangladesh is the highest Court in the country and comprises the Appellate Division and the High Court Division. The Supreme Court consists of the Chief Justice and the Judges of the Appellate Division and the High Court Division.

11. The country is divided into seven administrative divisions. There are 64 districts and 492 upazillas (Sub-district) under the seven Divisions.

Social and cultural structure

12. Bangladeshis is a democratic, secular and socialist state. The identity of Bangladesh is rooted in a Bengali culture that transcends international borders.

13. Bangladesh has a rich history and culture. The land, the rivers, and the lives of the Bengali people form a rich heritage. It has evolved over the centuries and encompasses the cultural diversity of several social groups of Bangladesh. The Bengali Renaissance of the 19th and 20th centuries noted Bengali writers, authors, scientists, researchers, thinkers, music composers, painters and film makers have played a significant role in the development of Bengali culture.

I. Introduction

14. The People's Republic of Bangladesh (hereafter Bangladesh) hereby submits its initial report on the legislative, judicial, administrative and other measures taken to implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (hereafter "the Convention" or "ICRMW") in accordance with article 73, paragraph 1, of the Convention.

15. The present Report is prepared in accordance with the guidelines issued by the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), and through a consultative process involving all stakeholders, including various Government Ministries/ Divisions/ agencies concerned, national institutions, notably the National Human Rights Commission, and civil society organizations (see Annex 1).

16. The Government of the People's Republic of Bangladesh (hereafter "the government"), unconditionally acceded to the Convention, which had entered into force on 1 July 2003, on 24 August 2011. The Convention became binding for Bangladesh on 1 December 2011 under Article 87, paragraph 2. As such, Bangladesh's Initial Report under the Convention was due on 1 December 2012, which, despite Bangladesh's sincere efforts, could not be met because of certain institutional coordination gaps and limitations. The accession itself had been a significant step by Bangladesh towards protecting the rights of migrant workers and members of their families, and fulfilling the Convention obligations. Bangladesh, as a State Party, seeks to ensure, and is deeply committed to upholding the minimum international guarantees relating to the human rights of migrant workers and their families.

17. The Convention creates obligations for both the countries of employment and countries of origin of migrant workers. Most of the countries in which Bangladeshi migrant workers are employed have not ratified the Convention. This poses certain challenges to Bangladesh in ensuring that the rights of its migrant workers are being duly protected and promoted in compliance with the Convention during their work and stay overseas. The Government, however, remains committed to deploying all possible efforts, including through the Bangladesh Missions abroad, for the purpose of protecting and promoting the rights of the Bangladeshi migrant workers. Despite these efforts, Bangladeshi migrant workers continue to be subjected to human rights violations, including occasional inhumane and ill treatments and deprivation of basic civic, social and residence rights in the countries of employment.

18. Thus, as far as the issue of protection of Bangladeshi migrant workers is concerned, the greatest benefit the accession to the Convention has yielded for the country is the opportunity to use the underlying values and principles of the Convention during interface with the countries of employment that have not ratified it. This opportunity can be utilized by Bangladesh by way of concluding bilateral agreements and related diplomatic efforts vis-à-vis these countries to impress upon them to invoke and ensure minimum core applicable standards with regard to Bangladeshi migrant workers. Bangladesh strongly urges the international community to invoke other international human rights, labour and normative standards to impress upon the countries of employment of migrants workers to respect, promote, and protect international human rights of migrant workers.

19. Furthermore, Bangladesh remains engaged with other countries, especially those in the Asia Pacific region, to promote their possible accession to ICRMW. This would further enable Bangladesh to enhance cooperation measures with countries receiving workers from

it, and thus ensure a strong framework for the dignity, protection and well-being of migrant workers with reference to the Convention.

20. Given that Bangladesh is mainly a source country for migrant workers and that there is no recorded number of migrant workers employed in Bangladesh, it should be noted at the outset that, unless otherwise indicated, measures, activities, policies, and practices described in this Report are with reference to Bangladesh's migrant workers abroad. A good number of professionals such as doctors, IT specialists, corporate employees, and development practitioners are working in Bangladesh with employment visas, but these professionals are not "workers" within the meaning of the Convention. The Convention holds obligations for State Parties with regard to both migrant workers employed in their jurisdictions and migrant workers that are their nationals. Where appropriate, the Report provides accounts of the measures and actions taken by Bangladesh to discharge its obligations vis-à-vis foreign migrant workers.

II. Information of a general nature

A. Implementation of the Convention: Existing constitutional, legislative and judicial framework

21. As a country belonging to the common law legal family, Bangladesh follows the principle of dualism with regard to the effect and implementation of international treaties. As decided by Appellate Division of the Supreme Court of Bangladesh,[1] customary international laws are, *ipso facto*, part of laws of Bangladesh [*Bangladesh v. Unimarine S. A. Panama* (1977) 29 DLR (AD) 252]. Thus, any international treaty ratified by Bangladesh needs to be specifically incorporated into the corpus of the country's laws. Under the Constitution of the People's Republic of Bangladesh (hereafter "the Constitution"), to "respect" international law is a "fundamental principle" of Bangladesh's state policy (art. 25). The Executive authorities can sign and ratify any international convention/treaty without prior approval of Parliament. The Constitution (art. 145A), however, requires all "treaties with foreign countries" to be submitted to the President for laying them down before Parliament for necessary deliberations and political dialogue.

22. Upon ratification of any international treaty, Bangladesh assumes an obligation to implement the provisions of the concerned treaty through legislative, administrative, and other measures (including judicial decisions). If it is found that the existing domestic laws and the Constitution are not enough to implement the international obligations, the government then takes necessary measures to enact an incorporating law.

23. On the other hand, even before any international treaty is incorporated in the national laws, the administrative authorities and the judiciary do perform their functions in a way that is compatible with the concerned international treaty. As the Supreme Court of Bangladesh once authoritatively held, national courts should not "straightaway ignore the international obligations" which Bangladesh undertakes. It further explained that,

> "[i]f the domestic laws are not clear enough or there is nothing therein [,] the national courts should draw upon the principle incorporated in the international instruments. But in the cases where the domestic laws are clear and inconsistent with the international obligations of the state concerned, the national courts will be obliged to respect the national laws, but shall draw attention of the law-makers to

[1] The Supreme Court is formed of two divisions, the High Court Division and the Appellate Division.

such inconsistencies" [*H. M. Ershad v. Bangladesh* (2001) 21 BLD (AD) 69, at p. 70].

24. The Supreme Court now increasingly cites, refers to, and relies upon international human rights instruments ratified by Bangladesh as an aid to interpret the scope of legal and constitutional rights that are implicated in any concerned case [see, e.g., the *State v. Metropolitan Police Commissioner*, Khulna (2008) 60 DLR (HCD) 660]. As far as the International Convention on the Protection of the Rights of the Migrant Workers and Members of Their Families (ICRMW) is concerned, the Convention is likely to be invoked by the Court in future litigations concerning migrant workers' rights. Notably, the Court has already relied upon this Convention while issuing a preliminary ruling in a litigation involving the implementation of the Convention, asking the government to report on the actions it has so far taken to implement the Convention [Shikkha Shastha Unnayan Karjakram (SHISHUK), represented by its Managing Directory Bangladesh, Writ Petition No. 2952 of 2013; High Court Division's order of 11 March 2013].

25. Upon ratification of any human rights treaty, the government makes an assessment of how far the country's Constitution and other ordinary laws are sufficient to enable the implementation within its jurisdiction of the treaty concerned. When legislative action is found necessary to make the relevant domestic laws compatible with the rights-provisions of, or obligations under, the treaty ratified, the government then proceeds towards taking measures to enact a statute to internalize the treaty provisions concerned. Alternatively, the whole treaty concerned may be recognized, through an incorporating statute, as having the effect of a domestic law.

26. Accordingly, upon ratification of the ICRMW in 2011, the government, in consultation with all relevant stakeholders and in technical cooperation with the ILO, undertook the work of drafting a new migration law that would be in compliance with the Convention. Eventually, the Parliament of Bangladesh (the House of the Nation) in 2013 enacted the Overseas Employment and Migrants Act 2013 (Act No. 48 of 2013) (hereafter "the OEM Act"). The OEM Act 2013 adopts a rights-based approach to the cause of Bangladeshi migrant workers, seeking to incorporate the rights-provisions of the ICRMW. The preamble to the 2013 Act declares that its aim is to enact provisions in tandem with international standards as enshrined in this Convention and other labour and human rights treaties ratified by Bangladesh, in order to create "opportunities for overseas employment and establish a safe and just system of migration, to ensure rights and welfare of migrant workers and members of their families". In addition to specifically translating certain Convention-rights (such as the right to be informed; the right to receive legal assistance/aid; the right to sue for compensation; the right to return to home country; and the right to receive diplomatic and consular assistance/services) into domestic law (see Chapter VII, section 26-29 of Annex 4), the Act has also enacted other provisions concerning the processes relating to international migration in line with the Convention.

27. In addition to the Overseas Employment and Migrants' Act, 2013, the legal regime of international labour migration consists of the following three sets of sub-ordinate legislation (implementing Rules):

- The Emigration Rules 2002
- The Wage Earners' Welfare Fund Rules 2002 and
- The Recruiting Agents' License and Conduct Rules 2002.

28. These Rules were framed in pursuance of the now repealed Emigration Ordinance 1982, section 19. The effect of these Rules have, however, been saved by the OEM Act 2013, section 49 (2). Enacted in the period following the signing by Bangladesh of the ICRMW, these instruments were informed of the imperatives under the Convention and

they sought to comply with the Convention Provisions. However, considering the need for further revising these Rules in pursuance of the Convention, the Government, with the support of the concerned stakeholders, is in the process of drafting new sets of Rules on migration management, recruitment regulation, migrant workers' welfare fund and registration of the jobseekers and workers under the OEM Act 2013. Further, several existing statutory orders, instructions, and practices are in force within the administrative jurisdictions of the MoEWOE and its agencies/Departments which form part of the national migration regime. For example, one such Official Order of 2005, issued by the MoEWOE, requires the recruiting agents to provide the women workers a Bangla-translated copy of employment contract well before the date of their departure. Indeed, the requirement to provide all recruited workers with copies of employment contract in the native language is a standing requirement.

29. Additionally, another two enactments, namely the Prevention and Suppression of Human Trafficking Act 2012 and the Prevention of Money-laundering Act 2012, have a bearing on the administration of rules relating to international labour migration, and, for that purpose, on the implementation of the Convention.

30. On the other hand, the country's labour laws and the Constitution of Bangladesh guarantee certain rights which squarely correspond to some of the Convention-rights not incorporated in the 2013 Act. The Bangladesh Labour Act 2006 (shortly, "the BLA") provides provisions guaranteeing the workers' right to form and join in trade unions (see ss. 175 & 176), right to minimum wages along with the provision for recovery of unpaid wages from the employer (chapters X-XI), and right to receive compensation in cases of injuries and deaths while working in the industry/factory (see chapter XII). The BLA 2006 also lays down provisions to ensure (i) conditions of service including the legally regulated working hours and maternity leave and benefit of women workers (chapter IV), (ii) termination-compensation (ss. 26 & 27), (iii) the raising and resolution of industrial disputes through judicial and non-judicial means (chapter XIV), and (iv) safety, health and hygiene for workers in the place of work (chapter V-VII). The BLA 2006, as amended in 2013, includes "seasonal workers" within the definition of a worker and provide for protective provisions for workers with disabilities. The benefit of these rights provisions can be availed of by any worker employed in Bangladesh including foreign migrant workers.

B. Administrative and institutional framework for the implementation of the Convention

The Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE)

31. The institutional and administrative responsibilities for international labour migration lie with the Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE). As such, the core responsibility for the implementation of the Convention vests in the MoEWOE, which was established on 20 December 2001. The establishment of a separate ministry to promote safe labour migration from Bangladesh and to promote and protect the rights of migrant workers and members of their families was by itself a significant step taken in advance for complying with the Convention. The MoEWOE works to increase opportunities for overseas employment for Bangladeshi nationals and to ensure the welfare of Bangladeshi migrant workers. In discharging its functions the Ministry is aided by several agencies established within its administrative framework. The Ministry has established "Welfare Desks" in the offices of all Deputy Commissioners in sixty-four districts of the country. Also, there are three "Welfare Desks" located in the three international airports, which render on-the-spot and urgent airport services to outgoing migrant workers on a 24-hours-and-seven-days-a-week basis.

32. The Ministry of Expatriates' Welfare and Overseas Employment is charged with the duty of implementing and administering several laws and policies pertaining to international outbound labour migration. One of the important functions of the Ministry to is to take or cause to be taken actions against recruiters involved in unfair activities, with view to protecting the migrant workers from abusive practices and fraud. It should be noted that, a large number of private recruiting agents have been, since the 1980s, engaged in the recruitment of Bangladeshi workers for employment overseas, subject to public regulation, guidance and control. At present there are around 1,200 licensed recruiting agents, and they have a business association of their own namely, the Bangladesh Association of International Recruiting Agencies (BAIRA). The Ministry (MoEWOE) issues licences to private recruiting agents and has the power to suspend, revoke, or cancel any such license issued.

33. The MoEWOE discharges its functions along with and through the medium of the following executing agencies or bodies:

(a) The Bureau of Manpower, Employment and Training (BMET);

(b) Bangladesh Overseas Employment Services Limited (BOESL);

(c) The Wage Earners' Welfare Board (WEWB);

(d) Labour Welfare Wings in Bangladesh Foreign Missions; and

(e) Probashi Kallyan Bank (Expatriates' Welfare Bank or the PKB).

34. In addition to the MoEWOE and its associate agencies, several other ministries and the National Human Rights Commission are also within the institutional framework that has a role in the implementation of the Convention.

The Bureau of Manpower, Employment and Training (BMET)

35. Established in 1976, the BMET is the most important government agency with regard to the management of international labour migration. It has under its administration more than 42 District Employment and Manpower Offices (DEMOs), and 42 public-funded technical training institutes to carry out its functions. Some of the principal functions of BMET are to conduct the licensing process of the recruiting agents; hear and dispose of complaints of migrant workers; administer the protection and welfare functions vis-à-vis migrant workers; oversee/regulate the trainings for aspirant migrants, and impart different types of pre-departure briefing and mandatory training for outbound domestic workers. At the pre-departure phase, the BMET and other public agencies, working with the civil society organizations, are actively engaged in providing various services to migrant worker such as raising awareness, registration and recognition, orientation and training, providing assistance with regard to health and legal documentation, and so on. It also registers migrant workers, maintains a database and issues an emigration clearance card to enable every outbound migrant worker to depart. The Bureau also resolves civil disputes against recruiting agents and arbitrates the monetary claims of defrauded migrant workers against the recalcitrant recruiting agents. In 2012-13, the MoEWOE assessed the BMET with the ILO assistance. It is now seeking to prepare the BMET towards ISO 9001 certification for quality assurance purposes.

Bangladesh Overseas Employment Services Limited (BOESL)

36. The Government in 1984 established a government-owned company — BOESL —, with a view to recruiting Bangladeshi nationals for overseas work with no or minimum migration cost. BOESL was envisioned to have become a model institution for ethical and transparent recruitment of migrant workers, to be followed by the private recruitment industry. In recruiting migrant workers, the BOESL's motto is to focus more on their skills,

quality, safety, human dignity, and protection. The BOESL has so far successfully recruited more than 43,000 Bangladeshi migrant workers who were employed in 27 countries of destination. Notably, it has recruited some 12,970 workers for employment in South Korea under the latter's government-sponsored employment permit system (EPS). Recruitments by the BOESL involve low migration cost, and the migrant workers concerned receive a better protection. Since 2010, the BOESL is engaged also in the recruitment of female workers with no or very little migration costs. There is no cost of migration through the BOESL for work in the domestic household service industry, while the cost for work in other sectors is around 8,000.00 Bangladeshi Taka (hereafter BDT) to 10,000.00 BDT (equivalent to 100.00 USD to 110.00 USD). In case of Bangladeshi female migrant workers, the BOESL enters into agreements with the principal recruiters in order to ensure the minimum core standards of work concerning, for example, minimum wage, contract period, travel facilities, food and accommodation facilities, and so on.

The Wage Earners' Welfare Fund & the Wage Earners' Welfare Board (WEWB)

37. The government first established the Wage Earners' Welfare Fund in 1990, when it decided to launch several welfare measures for migrant workers. Later on, in 2002, the Wage Earners' Welfare Fund Rules 2002 were framed to govern the Fund, and to determine the areas in which welfare measures for overseas workers of Bangladesh may be implemented with allocations from the Fund. For the purpose of the governance of the Fund, the 2002 Rules established the Wage Earners' Welfare Fund Governing Board. The Fund's Governing Board later transformed into the Wage Earners' Welfare Board (WEWB).

38. The founding motto of the WEWF was to establish an interface between the government and the families of the Bangladeshi Migrant Workers. To that end, the Wage Earners' Welfare Board (WEWB) has been an important instrument in extending various benefits to migrant workers and their family members, especially in cases of their deaths, injuries, repatriation, and rehabilitation, and also for the purpose of attending to some emergency situations. The WEWB has also supported the setting up of the PKB (Expatriates Welfare Bank) (see below paras. 42-44) with money from the Fund. In order to facilitate the undertaking and implementation of welfare measures for Bangladesh's migrant workers, the government approves allocations from the Fund to different foreign missions. In 2014, the WEWB allocated 7200 lac BDT (9.23 million USD). The financial resources allocated to Bangladesh Foreign Missions are used by Labour Welfare Wings for inspection of work places, court-attendance, meeting with the employers, and for other similar purposes. These financial resources are also used, where necessary, to appoint welfare assistants, translators, and legal assistants in Labour Welfare Wings, with an ultimate view to reaching out services to migrant workers.

39. The Wage Earners' Welfare Fund Rules 2002, rule 6, provides that the Fund's Governing Board may undertake any project and may allocate money from the Fund for the welfare of Bangladeshi migrant workers. Rule 7 of the 2002 Rules describes the areas in which money from the Fund can be spent for the welfare of migrant workers. In practical terms, the government has undertaken a number of welfare measures for migrant workers and their family members with allocations from the Fund. In 2013-14, the MoEWOE undertook a review of the fund and undertaken initiatives to address issues around timely disbursement of the compensations and benefits.

40. Under the Fund, the family of every deceased Bangladeshi migrant worker who has died in the country of employment receives an amount of taka 35,000.00 (USD 450.00) towards meeting the cost of funeral expenses. In 2014, an amount of 1.2 million USD was distributed amongst families of migrant workers as assistance for funeral expenses. The family of every such deceased migrant worker receives an additional amount of

taka 300,000 as special financial assistance, irrespective of whether the death was natural or caused by any accident. These facilities are provided to a migrant worker also without any discrimination being made on the ground of his or legal status in the country of employment. According to the report of the WEWB, in 2014, about 5.1 million USD has been distributed as financial assistance to families of the deceased.

41. The Government has also introduced certain schemes for the welfare of the members of families of migrant workers. On a case by case basis, for example, financial assistance may be granted to a member of Migrant Worker's family for medical treatment. With a view to promoting the right to education of the members of families of migrant workers, the Welfare Board has introduced a scheme of scholarships for children of migrant workers who pass grade 5th, 8th, 10th and 12th) grades of education with brilliant results.

The Expatriates' Welfare Bank (Probashi Kallyan Bank)

42. In pursuance of the Expatriates' Welfare Bank Act 2010 (Act No. 55 of 2010), the government established in 2011 a specialist bank called the Probashi Kallyan Bank (hereafter "the PKB") with the objective of helping the aspirant migrants reduce their costs of migration. This migrants-specific bank renders services in three major areas:

(a) To help the migrant workers remit to Bangladesh their foreign wages in a cost-effective way;

(b) To finance migration costs by providing easy-to-avail loans at the lowest possible interest rate; and

(c) To provide capital support to returnee migrant workers to help them productively utilize their earnings or to help them reintegrate into society through business.

43. Keeping in view the financial conditions of migrant workers, the PKB provides loans without even any other financial security/collateral, and by way of reaching out to the aspirant migrants in remote rural areas, if needed. The PKB's rehabilitation loans are mainly provided to facilitate business in rural areas; the underlying rationale of this being the motto to contribute to rural development of the country through returnee migrant workers. Since the Bank's establishment on 2011, it has so far advanced loans to 6,000 migrant workers of Bangladesh. The PKB does provide another important service to family-members of the migrant workers. It has established a service-desk which the family-members can avail of twenty-four hours a day to have necessary information and to obtain assistance in overcoming any problems that may be special to migrant workers or their families.

44. The establishment by Bangladesh of a specialist bank for migrant workers in a unique, and so far the only initiative amongst all nations whose nationals are employed overseas as migrant workers. In order to reach out to the migrant workers with its services, the PKB has already established 49 branches and three service-providing booths at the three international airports of the country. To make the process of remittance further easier, the government is planning to establish exchange-houses of this Bank (PKB) in countries of destination in which the concentration of Bangladeshi migrant workers is relatively higher. If such exchange-houses are established, the Bangladeshi migrant workers will be able to remit their foreign wages in a more cost-effective way and further easily.

Labour Welfare Wings

45. Labour Welfare Wings, established in several Bangladesh Missions abroad, are an important institutional mechanism that helps the government to administer relevant Bangladeshi rules and regulations as well as to implement the Convention. Labour Wings that were previously functioning in various Bangladesh Missions have been renamed as the

Labour Welfare Wing by the OEM Act 2013, section23. Currently there are 28 Labour Welfare Wings in 25 different destination countries. According to s. 23 of the OEM Act 2013, the Labour Welfare Wing is to act for "expanding labour market" to the concerned country and for the "protection of rights of migrants". Further, every Labour Welfare Wing has a statutory duty to report to the Government annually on several issues relating to the protection of migrant workers and the labour market (see s. 24(3) of the OEM Act 2013).

46. The functions of the Labour Welfare Wing are in effect carried out by officials called labour attachés appointed by the Ministry of Expatriates' Welfare and Overseas Employment, and they work under the over-all supervision of the MoEWOE well as under the day to day guidance of the Head of Mission concerned. With a duty to provide welfare-oriented services to Bangladeshi migrant workers abroad as well as to inspect their places of work, to meet their employers, and to help them in various other ways, the Labour Attachés are not only drivers in the implementation of the Convention, they also work as catalysts to engage countries of destination of migrant workers in dialogues in relation to upholding the norms and standards set out in the Convention.

Other ministries and agencies of the Government

47. It should be noted that, although the lead administrative organ to implement the Convention is the MoEWOE, other government ministries and agencies have some responsibilities vis-à-vis international labour migration from Bangladesh. Of special note are the roles of the Ministry of Foreign Affairs (MoFA), the Ministry of Labour and Employment (MoLE), the Ministry of Finance (MoF), and the Ministry of Home Affairs (MoHA). Although there is no stand-alone administrative framework to deal with migrant workers employed in Bangladesh, the Ministry of Labour and Employment would be the appropriate Ministry to deal with the affairs of the foreign workers working in Bangladesh, while the Board of Investment and the Ministry of Home Affairs would have the charge of looking after their immigration and work-permit issues. Currently, the Board of Investment and the Bangladesh Export Processing Zones Authority (BEPZA) have the mandate of issuing work permits for foreigners that seek employment in Bangladesh, depending on their place of employment. Keeping in view the complexity of the administrative arrangements required for labour migration governance in Bangladesh and for the management of affairs concerning Bangladeshi workers in overseas employment, and also given the importance of labour migration, the MoEWOE has proposed setting up of a steering committee led by the Prime Minister for inter-ministerial coordination in the proposed Overseas Employment Policy currently in the adoption process.

The National Human Rights Commission (NHRC)

48. The National Human Rights Commission (NHRC) is an independent statutory body established under the National Human Rights Commission Act 2009 ("the NHRC Act"). The NHRC is tasked to "protect, promote, and adequately ensure the enjoyment of human rights" (preamble, the NHRC Act 2009), and has been given a number of terms of reference. The NHRC is empowered to enquire into violations of human rights "by any person", and to recommend to the government for the effective implementation of any international treaty and/or for the removal of any factor that retard the protection of human rights. Clearly, the NHRC has a mandate to look into the protection of rights of migrant workers of Bangladesh and hence to help realization of the compliance with the ICRMW. On the other hand, under article 7 of the Convention, the NHRC has a more direct role to play in the implementation of this Convention by way of dealing with migrant workers' breaches of human rights enshrined in other human rights treaties (on art. 7 see below para. 86).

49. "Migrant workers' rights" is one of the main issues to be addressed by the NHRC under its five year strategic plan. The NHRC of Bangladesh has established an internal committee on migrant workers' rights to look at the allegations by Bangladeshi migrant workers of violations of human rights. The NHRC is now increasingly receiving such complaints. In the face of such a context, the NHRC is planning to further strengthen its capacity as well as cooperation with the relevant government agencies. An example of how the NHRC works in the area of migrant workers may be cited. In its Complaint No. 119/22/08/1194 of 2010, a migrant worker complained that he was cheated by a private recruiting agent. In a response, the MoEWOE ordered the responsible recruiting agent to pay a compensation of BDT 245000, but the order was not complied with. The victim of migration fraud lodged a complaint with NHRC which asked the Ministry (MoEWOE) to enforce its earlier order and to report to the Commission.

50. When the NHRC receives intimations from family-members of any migrant workers as to the detention/imprisonment of him or her abroad, it sets up a communication with the relevant authorities of the country of employment and seeks to find out ways of repatriating such detainee/internee.

C. Bilateral/multilateral migration agreements concerning migrant workers

51. Bangladesh strongly believes that bilateral/multilateral migration arrangements are a potent means of achieving compliance with the ICRMW, especially in consideration of the fact that the majority of countries receiving Bangladeshi migrant workers have not ratified the Convention. This emanates from Bangladesh's awareness of the Convention's mandate that the State Parties have obligation to consult and cooperate with each other with a view to promoting sound, equitable and humane conditions in migration (see art. 64) as well as of the benefits of bilateral labour agreements (BLAs). Article 81 of the Convention recognizes that, through state-to-state collaboration (i.e., through bi-lateral agreements), more favourable rights than those enshrined in the Convention may be guaranteed to migrant workers.

52. Keeping the above contexts in view, Bangladesh has often sought to achieve bilateral or multi-lateral cooperation from other nations with regard to the protection and well-being of migrant workers. The Government has so far concluded nine Memorandums of Understanding (MoUs) and two Bilateral Agreements (BLAs) with eleven migrants' destination countries (see Annex 3). These agreements and MoUs aim at protecting the rights and well-being of Bangladeshi migrant workers overseas. Notably, there are two such bi-lateral arrangements that seek to protect the rights and well-being of Bangladesh's female migrant workers. Bangladesh has signed bi-lateral agreements with Kuwait (in 2000) and Qatar (in 1998 & 2008) and Memorandums of Understanding with Iraq (2013), South Korea (in 2007), UAE (in 2007), Oman (in 2008), Libya (2008), Malaysia (2003/2006/2012), Jordan (2012), and the Maldives (2012).

53. Further, with a view to ensuring safe recruitment of domestic female workers for employment in Hong Kong, the BMET on 16 July 2013 signed a Memorandum of Understanding (MoU) with the relevant Hong Kong-based recruiting agents' association (involving also the technical training providers and recruiting agents in Bangladesh). This MoU postulates the approval of the recruitment agents who could conduct recruitment, standard employment contract, and monitoring. The MoU annexes thereto a sub-MoU between the Probashi Kallyan Bank and the General Chamber of Hong Kong Manpower Agencies Ltd for the provision of loans to the migrating workers.

54. Following the ratification of the ICRMW, the Overseas Employment and Migrants Act 2013 has sought to incorporate the provisions of the Convention relating to bi-lateral cooperation on issues pertaining to international migration. Specifically, the 2013 Act duly emphasizes the importance of bi-lateral agreements/MoUs in the realization of rights under the ICRMW for the migrant workers. Section 25(1) of the Act, for example, provides that,

> "[t]he Government may conclude memorandum of understanding or agreement with the concerned country with a view to increasing the opportunity of migration of Bangladeshi citizens for overseas employment, improving the management of labour migration, repatriating or rehabilitating migrant workers within the country, and to ensuring the welfare and rights of migrant workers [...] and members of their families".[2]

55. Further, s. 25(2) of the 2013 Act provides that while concluding any such BLA/MoU, the government shall have to comply with certain principles and imperatives such as "the protection of rights, safety and human dignity of all migrant workers within the country or abroad; the protection of labour and other human rights of Bangladeshi migrant workers in the concerned country, and the guarantee of a working environment compatible with international standards; and the guarantee of the migrant workers' right to information and the right to remedies for breach of their rights in the concerned country". Undeniably, these statutory provisions, if applied, would go a long way towards the implementation of the Convention-provisions concerning bi-lateral and multi-lateral cooperation for a safe, sound and humane international migration regime.

56. Understandably, bilateral arrangements concerning migrant workers employed in Bangladesh are not in place now. Bangladesh, however, remains open to concluding such BLAs/MoUs in future if that is necessitated by large scale employment of foreign workers in Bangladesh.

Regional and international initiatives

57. Protection of migrants' rights is not only the responsibility of origin and destination countries, but also of the international community as a whole. Bangladesh strongly supports the role of regional forums in creating an environment/mechanism for the compliance with ICRMW. Reportedly, Bangladesh sends almost 15% of its migrants to South East and East Asian Countries. Bangladesh, therefore, recognizes the potentials of SAARC and ASEAN in addressing migration and development from a rights-based perspective as a vehicle for achieving their stated objectives of poverty alleviation and regional integration in the long term.

58. The Government of Bangladesh has always actively taken part in several regional dialogues or Consultative Processes on international labour migration such as the Colombo Process and Manila, Bali and Abu Dhabi dialogues. Bangladesh is a member country, and currently also the Chair, of the "Colombo Process" (CP), which since 2003 has been in operation as a Regional Consultative Process on Overseas Employment and Contractual Labour for Countries of Origin in Asia.[3] The member states of the Colombo Process have met in Manila, Bali and Dhaka in 2004, 2005 and 2011 respectively to review and monitor the implementation of previous recommendations and identify areas of future action. The CP has already achieved successes initiating a policy dialogue amongst the concerned

[2] Throughout the present Report, an unofficial translation of the Overseas Employment and Migrants Act 2013 has been used.

[3] The CP has eleven member countries: Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, and Viet Nam.

origin States and non-state stakeholders and in acknowledging good practices in CP countries.

59. The Global Forum on Migration and Development (GFMD) is another international forum that can be of significant aid in ensuring the implementation of Convention-obligations by non-ratifying states vis-à-vis Bangladeshi migrant workers. Bangladesh has been elected to host the GFMD session in 2016, for which preparations have already started. Bangladesh looks forward to streamlining the migration-related mandates under the post-2015 development agenda into the deliberations and work of GFMD. Bangladesh has actively participated in all GFMD meetings since its inception in 2007, co-chaired a number of sessions during these meetings, and played a constructive role in the GFMD steering group and group of friends.

60. Also, Bangladesh actively participated in and contributed to the UN General Assembly's second High Level Dialogue on International Migration and Development ("HLD"), held in New York on 3 and 4 October 2013. The 2013 HLD presented for Bangladesh an important opportunity to share with global partners about how to improve the governance of migration, in particular as regards the protection of the human rights of all migrants and mainstreaming migration into national and global development agendas. Bangladesh joined in a Declaration adopted in the Dialogue (HLD) that calls for the respect of human rights and international labour standards and reiterates the commitment to fight human trafficking.

61. The abovementioned forums and consultations (in which migrant receiving countries are recently taking part as observers) provided an opportunity for the Government of Bangladesh to better understand problems and dynamics of international labour migration, and learn from good practices and successes of other nations in this field. They have also provided Bangladesh with an opportunity to further collaborate in particular with other origin States with a view to increasing its own capacity to protect the Bangladeshi migrant workers overseas. Bangladesh looks forward to utilizing the above forums and consultations, inter alia, to reduce the vulnerability of its nationals to irregular migration, human trafficking, and people's smuggling, and to safeguard them from illicit recruitment practices, as well as to provide welfare support to migrants' families. From these perspectives, Bangladesh played a lead role in the formulation of the migration related texts and targets incorporated in the document titled "Transforming the World: The 2030 Agenda for Sustainable Development" has been adopted by the 70th Session of the UN General Assembly in September 2015. Drawing strength from its impressive performance in attaining the MDGs, Bangladesh will continue to remain in the forefront of achieving the SDGs in cooperation with all relevant international partners.

Ratification of major international human rights instruments

62. Bangladesh has ratified or acceded to major international human rights treaties which provide for the guarantee of certain rights within its jurisdiction that are similar to rights enshrined in the ICRMW. Bangladesh is aware that it can implement the ICRMW in accordance with these other human rights instruments (Article 7, ICRMW) and that the implementation of the ICRMW is aligned with the eight Fundamental Conventions of the ILO. Following is a list of the relevant human rights instruments ratified or acceded to by Bangladesh, with implications similar in tenor to those created by the ratification of the ICRMW:

- The International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) (05 October 1998)[4]
- The International Covenant on Civil and Political Rights 1966 (ICCPR) (06 September 2000)
- The Convention on the Elimination of all Forms of Discrimination against Women 1979 (CEDAW) (06 November 1984)
- The Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women 1999 (06 September 2000)
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (05 October 1998)
- The Convention on the Rights of the Child, 1989 (CRC) (03 August 1998)
- The Convention on the Rights of Persons with Disabilities (30 November 2007)
- Convention on the Elimination of all Forms of Racial Discrimination 1966 (CERD) (11 June 1979)
- The Convention on the Political Rights of Women 1953 (05 October 1998)
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography 2000 (06 September 2000).

63. Of the above human rights treaties, the ICESCR, the ICCPR, the CERD, the CEDAW, and the CRC have a direct bearing on the issue of migrant workers' rights.

64. Apart from the above major international human rights instruments, Bangladesh has also ratified seven of the eight core ILO Conventions dealing with rights of workers generally such as the right to form and join association, the rights against discrimination in relation to employment and remuneration, and so on (see Annex 2).[5] On 22 June 1972, Bangladesh acceded to the Inspection of Emigrants Convention, 1926 (Con. No. 21). Under this ILO Convention, "Bangladesh accepted the official inspection on board an emigrant vessel for the protection of emigrants carried out by an inspector appointed by any other government with whom Bangladesh has an agreement" (see Bangladesh's Report under this Convention to ILO). Recently, on 28 April 2014, Bangladesh has ratified another two ILO Conventions that too have a bearing on the wider issue of protection of migrant workers. These two Conventions are: the Seafarers' Identity Convention (revised), 2003 (Con No. 185), and the Maritime Labour Convention 2006, which establishes minimum working and living standards for all seafarers working on ships flying the flags of any ratifying country.

65. Further, Bangladesh has ratified another two important regional and international treaties — the SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution 2002 and the UN Convention against Transnational Organized Crime 2000 (13 July 2011) — which, being treaties dealing with human trafficking and organized cross-border crimes, have a bearing on Bangladesh's obligations to protect the rights of migrant workers.

66. Bangladesh stands willing to ratify the relevant international instruments that are of import for the rights and well-being of migrant workers. Especially, the government is actively considering the ratification of two relevant protocols to the UN Convention against

[4] Dates in parentheses are the dates of ratification.
[5] These are ILO Convention Nos. 87, 98, 29, 105, 182, 100 and 111.

Transnational Organized Crime 2000, particularly, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the UN Anti-trafficking Protocol).

D. Characteristics and nature of the migration flows

67. Bangladesh is a country of net migration, and it attracts only a limited number of foreigners to work, most of whom are skilled professionals. Bangladesh is one of the leading source or origin countries in the world, with its some 8.7 million migrant workers having been employed in 159 countries (see Figure 1). Bangladeshi migrant workers constitute a 25% of the total workforce and the Bangladeshi migrant stock overseas is expected to be around 5% of the total population. Middle-Eastern countries are the most popular destinations for Bangladeshi migrant workers, receiving about 50% of the total number of out-bound workers. The majority of Bangladeshi workers choose to go to the KSA (39%), the UAE (23%) and Malaysia (18%). Other major countries of destination with higher concentration of Bangladeshi workers are: Kuwait, Oman, Bahrain, Qatar, Lebanon, Libya, and Singapore. About 60% of Bangladeshi migrant workers (60%) go through individual orders, while 39% migrate for overseas work through private recruitment agents. Only 1% of those going abroad for work go through the governmental agent, i.e. Bangladesh Overseas Employment and Services LTD (BOESL).

Figure 1
Year-wise Overseas Employment from 1976-2014

Source: BMET.

68. Despite the recent global financial crisis, the market for Bangladeshi workers expanded noticeably in the last five years (2009-2013). The number of outgoing Bangladeshi migrant workers rose steadily since 2009, and reached the peak in 2012, only to drop slightly in 2013. In 2009, a total of 4,75,278 workers migrated from Bangladesh, while the numbers in the following years (2010-2014) were, respectively, 390,702; 568,062; 607,798; 409,253 and 4,25,684. In each month during these years, around 50,000 Bangladeshi nationals have on average migrated for overseas work. The number of destination countries also scaled up to a staggering 159 from 97 during 2009 to 2014, with 28,76,777 new Bangladeshi workers having joined the existing Bangladeshi workforce worldwide.

Table 1
Flow of out-migration from Bangladesh by Skill level of workers (2009-2013)

	Type of workers				
Year	*Professional*	*Skilled*	*Semi-skilled*	*Less-skilled*	*Total*
2009	1 426	134 265	74 604	255 070	475 278
2010	387	90 621	12 469	287 225	390 702
2011	1 192	229 149	28 729	308 992	568 062
2012	36 084	173 331	104 721	293 662	607 798
2013	689	133 754	62 528	212 282	409 253
2014	1 730	148 766	70 095	205 093	425 684

Source: BMET.

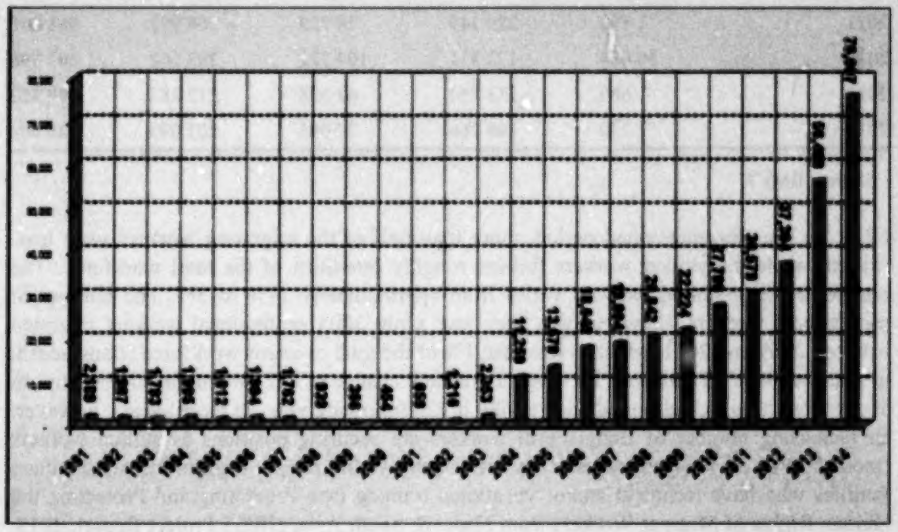
69. In the aforementioned period, more than half of the migrating workers were less-skilled; while the skilled workers formed roughly one-third of the total workforce. The number of semi-skilled workers varies from approximately 17% to 5%. The number of professional workers, however, was very low. Only 3005 professional workers migrated between 2009 and 2011, which is less than 1% of the total overseas workforce (Bangladeshi migrant workers). There was, however, a dramatic change in 2012 when the number rose to 36,084, but it quickly dropped back to 689 in the following year. In recent years, however, an increasing number of Bangladeshi workers are securing positions as skilled workers (around 35%) in other countries. They are usually young people from lower middle class families who have technical and/or vocational training (see Promoting and Protecting the Human Rights of Migrant Workers from Nepal & South Asia, HRGS Project Report, 2013; Available at the website of the Pravasi Nepali Coordination Committee (PNCC): http://www.pncc.org.np/).

Female workers' migration from Bangladesh

70. Because of the relaxation by the government of the age-based rule in this field, migration of women workers from Bangladesh has been on the gradual rise. Bangladesh is sensitive to the issue of equality between men and women with regard to their right to work, and the Government pursues the policy of increasing the opportunities of overseas work for Bangladeshi women aged 25 or above. As a result, female labour migration from Bangladesh has risen increasingly over the years, particularly since 2007. A total of 2,43,528 female Bangladeshi workers have migrated to several countries since 2008. While, in 2009, a total of 22,224 female Bangladeshi workers migrated for overseas work, the number grew to 64,021 in the first eight months of 2015. In 2014, some 76,007 female workers migrated to other countries for work, amounting to 17.85% of the total out-bound migrant workers in that year, which was 3% in 2010. In the last six years' timeframe (2009-2014), a total of 2,50,220 women workers have migrated for overseas work. Most women workers from Bangladesh are employed in the domestic household services or in the readymade garment industries. Bangladesh is aware of the demand for women workers from Bangladesh and is, therefore, committed to gender-sensitive diversification of skills, and to empowering them and shielding them against trafficking, sexual exploitation and violence. The Government has undertaken a number of measures so that women aspiring to migrate for overseas work do not fall victim of employment abuses and recruitment fraud. For example, every visa of any Middle-East country for any women migrant needs to be pre-endorsed by the concerned Bangladesh Mission abroad.

71. The United Arab Emirates (UAE) has emerged as the largest recruiter of Bangladeshi female workers, hiring around 19778 female workers in the first nine months of 2015. In addition to Middle-East countries, Bangladeshi female workers are now taking employments in new destinations such as Hong Kong SAR. The number of Bangladeshi women migrating for employment has increased from 659 in 2001 to 76,007 in 2014.

Figure 2
Year-wise Overseas Employment of Bangladeshi Women Workers



Source: BMET.

E. Implementation of the Convention: Circumstances, factors and impediments

72. As detailed above, Bangladesh has the necessary administrative and legislative framework to implement the Convention within its national jurisdiction. In the following paragraphs of Part III of the present report, there is a further description of several measures that the Government of Bangladesh has undertaken to ensure a safe environment of international migration from Bangladesh. Now, the main focus of the government is not on increasing the number of Bangladeshi migrant workers, but on a safe and orderly migration and on migration of people with diverse skills. The underlying objective of this shift of focus has been the better protection of migrating workers, and the improvements in the standards of their lives.

73. According to the existing rules, no one can depart from Bangladesh for overseas employment without first obtaining a migration clearance from the BMET. Every recruiter of Bangladeshi migrant workers, either a private or a public-sector recruiter, must now enter into an employment contract in which terms and conditions of work of the worker concerned has to be detailed (the OEM Act 2013, s. 22). The contract so concluded has to be sent to the BMET and to the concerned Bangladesh Mission abroad, with a view to enabling the officials to monitor the implementation of the employment contract. The BMET has been entrusted with the duty of registering all workers migrating from Bangladesh as well as of upholding their over-all interest.

74. Registration of migrant workers including those aspiring is an important step towards the protection of migrant workers. With growing focus on social protection of the workers, new requirements to ascertain regulation of the recruitment process arise from the Overseas Employment and Migrants Act, 2013. Overseas job-seekers database is the first step in streamlining the migration and job-placement process, which the government has already undertaken. At present, the MEWOE and BMET have the following three different databases of the job-seekers, from which the recruiting agents are now required to recruit people for overseas work:

(a) Online registration of female workers;

(b) Malaysia databank (for job-seekers in regard to Malaysia);

(c) All country databank (for job-seekers aspiring to migrate to any country).

75. BMET maintains a register of those workers who are given a clearance to migrate and issued an electronic smart-card. This register is locally called the "BMET Database". This database has been in existence since 2008. It is of note that, the BMET has won an award for setting up this digital mechanism to ascertain regular outbound migration. This year, BMET has also set up a register of the returning workers, which will be discussed later.

76. Bangladesh is deeply committed to implement the Convention vis-à-vis migrant workers. It recalls that, Bangladesh was one of the countries to have played an active role in the adoption of the Convention. It signed the Convention in 1998. Following the signature, but even before the ratification, Bangladesh began to bring about necessary modifications in the existing international labour regime. A reflection of this good-will is to be found in the three sets of Rules that were framed in 2002 (see para. 27 above) largely in compliance with the Convention, aiming at the improvement of the governance of international labour migration. The government is currently reviewing these Rules with a view to making them more compliant with the Convention as well as the newly enacted domestic law, the Overseas Employment of Migrants Act 2013.

77. An important factor in the implementation of the Convention is the presence of a number of active non-government organizations working in the international migration sector. As noted below in the present Report (see paragraph 82), these migrant workers' rights-based organizations not only work as policy-advocacy forums and as checks on the government actions in this field, they also undertake various activities themselves that serve to promote and implement the Convention. Several NGOs are working in Bangladesh, in particular in areas that have concentrations of migrant workers, with a variety of initiatives and programmes to ensure the rights of migrant workers and members of their families by providing them with an easy access to services that help them avoid exploitation/migration-fraud, increase their access to information, and help them find ways to reintegrate and rehabilitate in society after their return. Some of these organizations help the migrant workers, who are victims of fraudulent practices by recruiters or other criminals, claim compensation from those responsible, while others conduct programmes to help them obtain rehabilitation loans from Banks and/or to settle business or income-generation activities, or run activities to smoothen the repatriation processes. One such organization even extended its activities overseas during the Libya crisis, in order to help the government in its efforts to repatriate Bangladeshi migrant workers caught in that crisis. Through these activities, civil society organizations in effect work as partners of the Government of Bangladesh in implementing the ICRMW.

78. While the government has set up adequate structures and mechanisms in this regard, the lack of adequate resources particularly to cover an increasingly rising number of Bangladeshi workers overseas is a recognizable limitation. The number of Bangladeshi workers migrating for overseas employment has increased dramatically in recent years, and

they are now employed in 159 destination countries. Given the limitation of its resources, however, the government is sincerely working to increase its support to its migrant workers overseas. For example, the government has established Missions in newer countries of destination, or/and has established Labour Welfare Wings within the concerned Bangladesh Missions abroad.

79. Most of the countries of employment for Bangladeshi migrant workers have not yet ratified the Convention, which has somewhat restricted the Bangladesh Government's initiative and ability to launch mutual cooperation under the Convention-regime for the purpose of the workers' protection and well-being. Also, some of the destination countries tend to have in place certain employment and immigration rules that may not be compatible with Convention provisions and other international standards. For example, domestic workers are not considered "workers" within the definition of local laws of certain countries. This has a noticeable consequential impact on the protection of Bangladeshi female migrant workers who are mostly employed in the household-service sector and garments industry. Also, the kafala-system, detailed below in paragraph 143, is often reported to be abused by employers and recruiters to the detriment of the migrant workers. Bangladesh, therefore, takes the present Report to reaffirm its commitment to remain engaged with the countries of destination to promote the universalization of the Convention, and to develop bilateral cooperation mechanisms that promote enhanced compliance with the provisions of the Convention.

80. It is also found at times that the private recruiting agents in Bangladesh do evade their legal duties and social responsibility. This does create some adverse impact on the scope and effectiveness of implementation of the Convention. While there are legal tools to regulate the work of the overseas recruiting industry, the government is now working on devising measures to promote voluntary good practices and social responsibility activities amongst the private recruiting agents. In particular, a code of conduct drawn by the private recruiting agents is awaiting finalization. On the other hand, the government is also developing a tool to classify recruiting agents in terms of the service-quality, which is to be grounded on certain criteria that would promote good practices and socially responsible business by these recruiters. Bangladesh has initiated a process to develop a code of conduct and a classification system for the recruitment agents. These efforts draw upon international and national bench-marking and extensive consultations with stakeholders, including the recruitment agents and their industry association.

F. Dissemination and promotion of the Convention and cooperation with civil society

81. The Government is committed to the dissemination and promotion of the Convention. The first major initiative in this regard is the enactment of the OEM Act 2013 which in its preamble acknowledges that the Act is made in order to provide for a legal regime in compliance with the International Convention 1990. Through this legislative vehicle, the 1990 Convention has been disseminated to migrants, government agencies, and the civil society organizations (CSOs). Since 2008, the Government has been observing on 18 December every year the International Migrant Workers' Day with due emphasis, and this has been a significant medium to disseminate the value and importance of the Convention. On the day, a number of programmes such as rallies and awareness campaigns are run throughout the day, and are broadcast and publicized in the electronic and the print media. The ICRMW together with the ILO Multilateral Framework on Labour Migration have been guiding instruments in formulating the proposed Overseas Employment Policy, currently in adoption process.

82. As mentioned below, in addition to government-provided training, several CSOs have in place a number of training and awareness-raising programmes for the benefit of outgoing and returnee Bangladeshi migrant workers. The government is ready to further bolster its partnership with CSOs in disseminating and promoting the Convention in the coming days. The government also appreciates the role of media in helping to bring about and monitor transparency in the labour migration administration. The media, in particular, holds government agencies to account. On the other hand, several migration-specific NGOs along with the country's leading human rights organizations often provide legal and financial support to the victims of irregular migration and their families, and conduct various other programmes that aim at protecting the migrant workers in accordance with national laws and international standards. Some organizations carry out extensive studies and advocate for effective policy formulation in the field of international labour migration. The government remains committed to working together with the CSOs and media for the purpose of realizing for migrant workers the rights incorporated in the Convention.

III. Information in relation to each of the articles of the Convention

A. General principles of the Convention

Articles 1 (para. 1), and 7

Principles of non-discrimination

83. The principle of non-discrimination, as enshrined in the Convention, is embedded in Bangladesh's Constitution and other general laws. Article 27 of the Constitution provides that all persons are equal before law and are entitled to equal protection of the law. More specifically, article 28(1) of the Constitution categorically enjoins the State not to discriminate against any citizen on the grounds of religion, caste, race, sex, and place of birth. Article 28(1) of the Constitution provides that, "[w]omen shall have equal rights with men in all spheres of the State and of public life". These anti-discrimination provisions are further strengthened by the Fundamental Principles of State Policy, which make it a duty of the State (Bangladesh) to ensure the equality of opportunity to public employments and to ensure "participation of women in all spheres of national life" (the Constitution, art. 19, clauses (1) & (3)). Further, Bangladesh has adopted the National Women's Policy in 2011, which reinforces the principle of non-discrimination against women and of equal opportunity for them in the public sector.

84. In addition to the Constitution, the general laws of the country also embody the rule of non-discrimination as one of the core principles of law, which has been explicitly recognized in the recently enacted Overseas Employment and Migrants Act 2013. Section 6 of the OEM Act 2013 provides that, "[t]he principle of equality shall have to be observed with regard to the recruitment of workers for overseas employment and repatriation of migrant workers and while providing services or executing any other activity under this Act". The same provision further enjoins that "no one shall be discriminated on the ground of gender, language, birth, colour, age, ethnicity or national origin, political views, religion, ideology, familial/marital/social identity, regionalism or on any other ground".

85. According to the applicable local laws, no discrimination between Bangladesh's national workers and (foreign) migrant workers working in Bangladesh is possible with regard to pay, conditions of work, leave and other service benefits is possible. As noted above, the Constitution of Bangladesh guarantees the equality of all before the law. Specially, the Bangladesh Labour Act 2006 prohibits the payment of wages below the legal

minimum. On the other hand, there is no prohibitive law that disallows the employment of foreign workers. Therefore, migrant workers from other countries are free to engage in remunerated activities in Bangladesh.

86. According to Article 7, Bangladesh as a State Party has an obligation "to respect and to ensure to all migrant workers and members of their families" within its territory or subject to its jurisdiction the rights provided for in the Convention "in accordance with the international instruments concerning human rights". As stated in paragraph 62 above, Bangladesh has ratified major international human rights treaties including the Convention on the Elimination of all Forms of Racial Discrimination 1966, and the Convention on the Elimination of All forms of Discrimination against Women 1979 (CEDAW), under which the country undertook to not adopt any discriminatory measure/action against any person within its jurisdiction. Also, Bangladesh has ratified two ILO core Conventions relating to the elimination of discrimination, namely the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100) (acceded to, respectively, on 22 June 1972 and 28 January 1998).

Article 83

Right to an effective remedy

87. Bangladesh remains cognizant of its duty under the Convention to ensure the right to an effective remedy for its migrant workers as well as foreign workers in Bangladesh. Sections 27 & 28 of the OEM Act 2013 provide that "Migrant workers and the persons who have become victims of fraud in the name of migration shall have the right to reasonable legal aid" and that "any migrant worker" affected by violation of any provision of this Act or of the employment contract may institute a civil suit for compensation. Also, any migrant worker who has become victim of any offence defined in the OEM Act 2013 may directly prosecute the offender(s) without prior-approval of the government authorities, which was the rule under the earlier law.[6]

88. In accordance with existing rules and practices (which are now governed by the OEM Act 2013), the BMET receives and disposes of complaints from Bangladeshi migrants against the concerned recruiting agents about fraudulent activities, malpractices, loss of money, exploitation at the work place and ill treatment. Now, a victim migrant worker may lodge a complaint either directly or through an on-line procedure. The usual remedies are awarding of compensation and/or the cancellation/suspension of licence of the recalcitrant recruiting agent. Keeping in view the objective of prompt settlement of migrants' complaints, the 2013 Act empowers the BMET to arbitrate any civil complaint under the Act or to refer it to an independent arbitral body for settlement. Also, importantly, the National Human Rights Commission (NHRC) may be approached by any victim migrant worker (whether national of Bangladesh or a foreigner) for remedies against the violator of the concerned migrant's human rights. The National Human Rights Commission, an independent body, deals with individual complaints in the event of violation of rights, and it has already intervened into one or two cases of violation of migrants' human rights.[7]

89. Most important aspect of the implementation of the right to effective remedy is that any migrant worker may petition the High Court Division of the Supreme Court of

[6] The Emigration Ordinance 1982 (repealed in 2013).

[7] The Commission may examine the complaint, launch an investigation into the allegations and make necessary recommendations to the Government so that the competent authorities may remedy the wrong.

Bangladesh for an appropriate remedy in the event that any of his/her constitutional rights (guaranteed in Part III of Constitution of Bangladesh) is violated by any government agency/department (art. 102(1) of the Constitution of Bangladesh). As it is clear in the present report, many rights-provisions of the Convention have their corresponding provisions in the Constitution of Bangladesh. Also, any migrant worker may seek an appropriate writ (prohibitive, mandatory, or declaratory) from the High Court Division, challenging the legality of any action or inaction by the Government of Bangladesh that impacts the migrant worker concerned (see art. 102(2) of the Constitution of Bangladesh).

90. Foreign (Migrant) workers in Bangladesh and members of their families may avail of any of the remedies available to a Bangladeshi national in the event of breaches of their rights or abuse of the administration's power vis-à-vis them.

91. As regards the right to an effective remedy, Bangladesh acknowledges that despite recent remedial changes in this area, there is room for further improvements. For example, the introduction of a standard compensation policy and a full-fledged complaints mechanism may be set up in due course through consultation with the concerned stakeholders.

Article 84

Duty to implement the Convention

92. As mentioned above, although Bangladesh's Constitution does not accord an automatic primacy to any international treaty ratified, Bangladesh is duty-bound to implement the provisions of any treaty it has ratified, through legislative, administrative, and other measures. Bangladesh has already enacted a new legislation, the Overseas Employment and Migrants Act 2013, to give further effect to the provisions of the ICRMW. Notably, the higher judiciary consistently refers to and relies upon ratified international instruments while interpreting the Constitution and relevant domestic laws. Currently, the Government is conducting a study to determine the areas in which the domestic laws and policies fall short of the ICRMW-standards. An assigned official within the Ministry concerned (MoEWOE) deals with monitoring the progress of implementation of the Convention. The civil society and human rights organizations are also alert to possible breaches and non-implementation of the Convention-obligations. Thus, the necessary framework for getting the Government to comply with the provisions of the Convention may be said to be in place.

B. Part III of the Convention: Human rights of all migrant workers and members of their families

Article 8

Right to leave any country including own and to return

93. Article 8-right has a corresponding right guaranteed in the Constitution of Bangladesh, which provides for the freedom of movement and of choosing one's residence within Bangladesh. Article 36 of the Constitution provides that, "[subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right [...] to leave and re-enter Bangladesh. In order to make the migration of Bangladeshi nationals for overseas work, the Department of Immigration and Passport has widened the scope of their services. The service of issue and renewal of passports can be availed in every District and from Bangladesh Missions abroad. All passports are now machine-readable, and the process of applying for passports has been made simple and digitalized. Under the existing

law, the application for passport is refused only on exceptional grounds such as the conviction by a court under the laws pertaining to war crimes, genocide and crimes against humanity and any such a refusal decision is appealable (see the Bangladesh Passport Order 1973 (P.O. No. 9 of 1973) and the Bangladesh Passport Rules 1974, rule 11).

94. By virtue of the 1972 Citizenship law, Bangladeshi nationals/migrants may apply to the government for the retention of Bangladeshi citizenship while even adopting citizenship of other countries. Although the Citizenship Act 1951 prohibits "dual nationality", the special facility of dual citizenship is possible under the Bangladesh Citizenship (Temporary Provisions) Order 1972, article 2B, clause (2) of which provides that "[t]he Government may grant citizenship of Bangladesh to any person who is a citizen of any state of Europe or North America or of any other state which the Government may, by notification in the official Gazette, specify in this behalf."

95. Bangladesh is respectful to its citizens' constitutional right to return home. In the recent past, Bangladesh arranged for temporary travel documents for its migrant workers, who were caught up in armed conflicts in Libya in 2012, with a view to making their repatriation easy and unhindered. The Government of Bangladesh took a soft-loan from the World Bank to enter into an agreement with the IOM for the evacuation of the workers. Bangladesh repatriated approximately 31,053 migrant workers from Libya and paid them each worker a post-return compensation of BDT 50,000 so that they could rehabilitate themselves or prepare for overseas work again. Notably, in order to strengthen its capacity in the management of any such prospective crisis of migrant workers, the Government, with technical assistance from IOM, has established a Crisis Observation Committee (MCOC) with high level representation from MoEWOE, BMET, and MoFA. Bangladesh also took lead in setting up an Emergency Response Fund within IOM, and made a token contribution of USD 1 million to kick-start the Fund's operation.

96. A foreign worker (or any foreigner for that purpose) is at liberty to leave Bangladesh any time and enter/re-enter the country provided that s/he has a proper visa and is not a threat to the public interest or state security. A foreigner can be expelled from Bangladesh only upon an official order made in accordance with the law and upon the grounds to be specified therein such as the breach of conditions of stay (see the Foreigners Act 1946; The Foreigners Order 1951; and the Passports Act 1920).

Articles 9, 10

Right to life; prohibition of torture and inhuman or degrading treatment

97. Article 32 of the Constitution guarantees "the right to life" of any person. It provides: "No person shall be deprived of life or personal liberty save in accordance with law". Importantly, also, article 31 of the Constitution provides that "[t]o enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law" (emphasis added). Articles 31 and 32 of the Constitution, taken together, make it clear that the Constitution ensures the right to life and liberty for both Bangladeshi migrant workers and foreign workers employed in Bangladesh. It is pertinent to note here that the Supreme Court of Bangladesh in a long series of decisions has progressively interpreted "the right to life". In the case of *Abdul Gafur v. Secretary, Ministry of Foreign Affairs* (the High Court Division's decision of 14 August 1997), for example, the High Court Division held that any Bangladeshi national stranded/detained abroad has a right to be repatriated home as part of his/her "right to life".

98. On the other hand, article 35 of the Constitution clearly prohibits any kind of torture. It (art. 35, clause 5) provides that no person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. Article 35(1)-(4) also provides for the protection of any one charged with a criminal offence and recognizes such person's right to a speedy and public trial by an independent and impartial Court. Further, Bangladesh has recently enacted an anti-torture law criminalizing acts of torture of any person [see the Torture and Custodial Death (Prevention) Act 2013 (Act No. 50 of 2013)].

Article 11

Prohibition of slavery and forced labour

99. The Constitution and the general criminal laws prohibit slavery and forced labour. Article 34 of the Constitution bans forced labour and provides that the practice of forced labour should be criminalized by law. Section 9 of the Prevention and Suppression of Human Trafficking Act 2012 criminalizes forced or bonded labour, providing for a maximum twelve years in prison and also for fine for the offence. On the other hand, the Penal Code 1860 provides that engagement of others in slavery and forced labour is an offence. Section 370 of the Penal Code 1860 makes it an offence to buy, sell, or accepts any human person as a slave, while section 374 thereof provides that "[w]hoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment … for a term which may extend to one year, or with fine, or with both". It is pertinent to note here that Bangladesh has been a party to the Abolition of Forced Labour Convention, 1957 (ILO Convention No. 105)

Articles 12, 13 & 26

Freedom of opinion and expression; freedom of thought conscience and religion; right to join a trade union)

100. While Articles 39 and 41 of the Constitution entitle every citizen with the right to freedom of expression, thought, conscience and religion, articles 37-38 give every citizen the right to form unions and participate in any assembly, public meetings or processions. Although articles 37 and 38 of the Constitution refers to "citizens", migrant workers once employed in Bangladesh are also entitled to enjoy the right to form and join trade unions by virtue of the Bangladesh Labour Act 2006, sections 175-176. These rights are subject only to "any reasonable restrictions" as may be imposed by law and in the interest of state security, public order and morality. The Bangladesh Labour Act 2006(chapter XIII) lays down in detail the process of registration and operation of trade unions. On the other hand, by virtue of another statute, similar rights of association are ensured for workers employed in special industrial areas, namely, the Export Processing Zones (EPZ). The EPZ Workers' Welfare Association and Industrial Relations Act 2010 (Act No. 43 of 2010), section 5, allows the formation of and participation in Workers' Welfare Association in the industries or companies situated in EPZs. With a view to further promote the trade union rights of workers in EPZs, the Government of Bangladesh has recently approved, in principle, draft of the Bangladesh EPZ Labour Bill, 2014 with provisions to allow factory workers in EPZs to register with the Bangladesh Export Processing Zone Authority (BEPZA) to form a welfare association to bargain for their rights.

Articles 14, 15

Prohibition of arbitrary or unlawful interference with privacy, home, correspondence and other communications; prohibition of arbitrary deprivation of property

101. Article 43 of the Constitution provides for the protection of home and privacy of the correspondence and communications of every citizen. Article 42 of the Constitution safeguards the property of every citizen from the compulsory acquisition or requisition except by authority of law. The existing laws provide for compensation with regard to acquisition of property by the State (see, e.g., the Acquisition and Requisition of Immovable Property Ordinance 1982).

Articles 16 (paras. 1-4), 17 & 24

Right to liberty and security of persons; safeguards against arbitrary arrest and detention; recognition as a person before the law

102. Article 27of the Constitution entitles every citizen with the right to equal protection of law. Article 32 provides for the right to life and liberty. Article 33 of the Constitution enacts provision to safeguard against arbitrary arrest and detention. The Article specifically mentions that every detained person must be produced before the nearest magistrate within a period of twenty four hours of arrest. Section 54 of the Code of Criminal Procedure 1898 provides that a police officer may arrest a person without a court-warrant only if he suspects anyone of having committed a cognizable offence. A cognizable offence means an offence in the case of commission of which Police can arrest the alleged person without court-warrant. The law lists only more serious offences as cognizable and less severe offences as non-cognizable.

Articles 16 (paras. 5-9), 18 & 19

Right to procedural guarantees

103. Articles 16 (paras. 5 to 9), 18, and 19 of the Convention provides for a series of procedural guarantees for migrant workers and members of their families who are charged with any criminal offence or are detained otherwise. These procedural guarantees are fully available for migrant workers in Bangladesh under the Constitution of the country and other general criminal and civil laws.

104. Article 31 of the Constitution guarantees for every person the protection of the law, while article 32 ensures the enjoyment of the right to life and personal liberty. Further, article 33 of the Constitution provides that no person "shall be detained in custody without being informed, as soon as may be, of the grounds for [his/her] arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice" and that "[e]very person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty four hours of such arrest", and no such person shall be detained in custody beyond this period without the authority of a magistrate (art. 33, clauses (1) & (2)). On the other hand, article 35 of the Constitution provides a number of further protections with regard to trial and punishment. For example, every person accused of a criminal offence has the right to a speedy and public trial by an independent tribunal of law, and no person may be compelled to be a witness against himself (art. 35, clauses (3) & (4)). Article 35(1) provides that, "[n]o person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than, or different from, that which might have been inflicted under the law in force at the time of the commission of the offence". Article 35(2) prohibits prosecution and punishment of any one

for the same offence more than once. Also, the Code of Criminal Procedure 1898 (CrPC), the main procedural law governing criminal trial, requires every arrestee to be produced before the court within 24 hours, and prohibits trial of any person, who is previously convicted/acquitted, for the same offence (see ss. 61 and 403 respectively).

105. Under the existing laws, detention of any person in custody until the conclusion of the trial is not the general rule. Rather, the courts have discretion to release on bail any person arrested. The law also provides for the completion of trial within a reasonable time, and the criminal courts in Bangladesh have discretion to consider relevant circumstances while awarding the appropriate sentence or granting bail to any person including the migrant worker.

106. Bangladesh's criminal justice system ensures that the minimum/core standards of trial are maintained. For example, according to the common law principle, every accused has the right to be presumed innocent until proven guilty. The accused has a statutory right of defense (see, for example, CrPC, section 342), and a constitutional right to a fair, prompt and independent trial. Even in case of non-bailable offences, the granting of bail rests upon the court's discretion. The law also provides for the accused persons' right to defend. There is also the right for the accused to be present during the trial, although the law allows trial in absentia with regard to the absconding accused, which is subject to compliance with certain procedural rules (see s. 339B, CrPC). Some laws provide for the accused person's access to interpreter when the language/proceeding is not understandable to him/her. The court also has discretion to allow the accused any such facilities for the sake of fair trial. Under the legal aid scheme, introduced since 2006 under the Legal Aid Act 2000, any poor person facing any criminal proceeding may seek legal assistance. Importantly, providing legal aid in the form of appointing a defence lawyer for a poor or absconding accused implicated in a case punishable with a capital punishment is compulsory (the Legal Remembrancer's Manual 1960, chapter XII, arts. 1 and 2).

107. The law requires accused juvenile persons to be kept separately from adult accused persons, and a specialized Children's Court deals with the children who are in conflict with the law (see the Children Act 2013). As the Foreigners Act 1946 (s. 4) indicates, any arrested/detained foreigner may be kept in any separate place beyond the prisons. The government (the Ministry of Home Affairs) has already drafted a draft Immigration Bill, which would enact provisions as to how to deal with arrest and detention of foreigners including foreign migrant workers. On the other hand, every person accused can take advantage of appeal, review, or revision of any particular decision affecting him/her. Further, a constitutional challenge to the High Court Division under clause (1) or/and clause (2) of article 102, respectively, to enforce constitutional rights or on the ground of breach of legality is available to any person including a foreigner undergoing a criminal trial.

108. As regards the Bangladeshi migrant workers, Bangladesh has an obligation to provide legal aid to a migrant worker who has been a victim of migration fraud (see the OEM Act 2013, section 27). Bangladeshi migrant workers arrested, detained or stranded overseas have the right to receive necessary consular assistance under the OEM Act 2013 (s. 29(1)). Also, as a State Party to the Vienna Convention on Consular Relations 1963 (see para. 112 below), Bangladesh stands committed to provide necessary consular and diplomatic assistance to its nationals arrested or detained in the foreign country concerned. In practical terms, Bangladesh's Missions abroad concerned provide a series of consular and other services such as legal assistance to Bangladeshi migrant workers. To strengthen the role of Labour Welfare Wings concerned, the government has allocated necessary fund making it possible to appoint certain welfare assistants, translators, and legal assistants who provide the migrant workers with services such as attending courts and extending legal assistance.

109. It is clear, therefore, that several procedural guarantees mandated by the ICRMW in Articles 16 (paras. 5-9), 18, 19 are available under the Constitution of Bangladesh and other general laws of the country.

Article 20

Prohibition of imprisonment, deprivation of authorization of residence and/or work permit and expulsion merely on the ground of failure to fulfill a contractual obligation

110. Failure to fulfill a contractual obligation is regarded a breach of contract under Bangladeshi laws (see the Contract Act 1872), and does not entail any criminal responsibility. There is no law in Bangladesh that allows imprisonment of any migrant (foreign) worker or the deprivation of his or her residence/work permit for the failure to fulfill contractual obligations.

Articles 21, 22 & 23

Protection from confiscation and/or destruction of ID and other documents; protection against collective expulsion; right to recourse to consular or diplomatic protection

111. According to existing laws governing employment of workers, it is not possible for any employer to confiscate or destroy any identification or other documents of any migrant worker employed in Bangladesh. Although there is no law prohibiting collective expulsion of migrant workers from Bangladesh, "collective expulsion" is in effect not allowed in law as the Foreigners Act 1946 provides for individual administrative order for the expulsion of any foreigner on specific grounds and in accordance with the law.

112. Bangladesh is respectful to migrant workers' "right to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin" whenever the rights recognized in the Convention are impaired. It is to be noted that Bangladesh has ratified (by succession) the Vienna Convention on Consular Relations 1963 (on 13 January 1978), Article 36 (1) of which provides that "consular officers shall be free to communicate with nationals of the sending State and to have access to them" and that, "if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if [...] a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner." Bangladesh does not have in place any laws and regulations that restrict these rights of consular/diplomatic rights of foreigners residing in Bangladesh.

113. By contrast, although this right of Bangladeshi migrant workers depends on the legal regime of other countries in which they work, Bangladesh has put in place consular and diplomatic services for its own migrant workers whose Convention rights may be impaired in the country of employment. Section 29 of the OEM Act 2013 provides that any migrant worker (Bangladeshi), especially the one detained, stranded, or otherwise in distress overseas, is entitled to receive necessary assistance from the concerned Bangladesh Mission abroad.

Articles 25, 27 & 28

Principle of equality of treatment in respect of: remuneration and other conditions of work and terms of employment; social security; and right to receive urgent medical care

114. As already mentioned above, once appointed in any establishment, all workers whether nationals of Bangladesh or foreigners, are entitled to equality of treatment in respect of remuneration and other conditions of work and terms of employment in accordance with the Bangladesh Labour Act 2006. Importantly, these types of

discrimination against migrant workers in Bangladesh are prohibited by a number of constitutional provisions (see arts. 27, 28, and 31 of the Constitution).

115. Being a resource-restrained country, Bangladesh has yet to recognize the right to receive urgent medical care as a fundamental/constitutional right. It does not mean that citizens or foreigners are not denied or barred from receiving any urgent medical care. To ensure social security and medical treatment for all is, however, a fundamental state policy (see art. xx of the Constitution). Whenever any such person approaches or is taken to any medical centre or hospital, the state provides treatment within the limit of its resources.

Articles 29, 30 & 31

Right of a child of a migrant worker to a name, registration of birth and nationality; access to education on the basis of equality of treatment; respect for the cultural identity of migrant workers and members of their families

116. Local laws in Bangladeshi are respectful to all of these rights of the foreign migrant workers or members of their families as enshrined in articles 29 to 31 of the Convention. Bangladesh's education system, at all levels, is based on the policy of non-discrimination and equal treatment for all. In accordance with the national Constitution and under the principles of relevant international instruments that it has ratified, Bangladesh does always respect the cultural identity of all foreigners resident in Bangladesh including migrant workers and members of their families. The law also provides for provisions to register the birth of children of foreigners (see the Births and Deaths Registration Act 2004, section 5). Any child born in Bangladesh has a right to name. However, even the birth of a child whose name has not been given can be registered, provided that the parents or responsible persons shall give a name to such child within 45 days of registration (see the Births and Deaths Registration Act 2004, section 10).

Articles 32 & 33

Right to transfer to the state of origin their earnings, savings and personal belongings; right to be informed on the rights arising from the Convention and dissemination of information

117. Subject to the compliance with the anti-money-laundering law — The Prevention of Money-laundering Act 2012 (Act 5 of 2012) and the rules of the Central Bank (the Bangladesh Bank) and other relevant agencies such as the Customs Department, every foreigner/migrant worker is at liberty to transfer to the state of his/her origin their earnings, savings and personal belongings during, and also at the termination of, their employment. On the other hand, to facilitate the Bangladeshi migrant workers' right to remit their foreign wages to Bangladesh, the Government has initiated a number of measures such as the facilitation of opening of sufficient bank branches or remittance firms in cities with migrant-workers' concentration overseas.

118. According to Article 33 of the ICRMW, Bangladesh has a duty to inform both migrant workers employed in Bangladesh and its national migrant workers employed overseas about the rights arising out of the Convention as well as about the conditions of their admissions, and the rights and obligations under the law and practice of Bangladesh and the State concerned. Given that Bangladesh is not a migrant workers receiving country, it has not so far initiated any concrete or specific activity to this effect.

119. With regard to Bangladeshi migrant workers, however, the government has been working to educate them about their rights under international human rights instruments including the ICRMW. There is a compulsory pre-departure briefing provided by BMET for outbound migrant workers departing in a group. The BMET also provides country

specific information to outgoing migrants (especially focusing on countries such as the KSA, South Korea, and Malaysia), and special orientation training to outgoing migrant domestic workers.

120. The Government is now in the process of finalizing a manual for mandatory pre-departure briefing to all workers and country-specific standardized manuals, developed with technical assistance from ILO. Manuals contain information about the migrant workers' rights, conditions of admission into their countries of employment, and the relevant rule and regulations of the destination countries. On the other hand, the law requires the recruiting agents to brief the recruited migrant workers about their rights, conditions of work and terms of their employment contract (see rule 21 of the Emigration Rules 2002, which provides that "recruiting agents shall publish documents films, booklets, cassettes, [and so on] in order to educate the emigrants"). Recently, the government has undertaken a series of measures such as the awareness-raising campaigns and distribution of information-kits with a view to disseminating necessary information relating to migration and employment overseas. Special awareness-raising programmes such as TV-dramas and street theatres that aim to make the aspirant migrants alert to the risks and unlawfulness of clandestine attempts to undertake voyages at sea with the aid of human traffickers and people's smugglers are also in operation

121. The government works in partnership with several human rights and migrant workers' rights-based NGOs, civil society organizations, international organizations, and employers' associations and trade unions. These organizations provide pre-departure information to aspiring migrants, and undertake periodically other awareness raising campaigns through different means including the circulation of leaflets/brochures.

122. To note further, the IOM, UN Women, ILO, a large number of civil society organizations, and trade unions, some of who were consulted in this report writing process, have published several easy-to-read booklets, guidebooks/information-kits for the outbound migrant workers, containing both general and country-based information about their rights and also about the basic rules and regulations of the relevant destination country relating to, inter alia, health issues and management of remittances. In cooperation with the MoEWOE, ILO has, for the first time in Bangladesh, trained trade union leaders and held dialogue with representatives of Bangladesh Employers' Federation about their duty/role vis-à-vis the protection of Bangladeshi migrant workers. Bangladeshi trade unions and employers' associations are now looking forward to establish bridges so that they can protect Bangladesh's nationals working abroad. UN Women's Dhaka Office developed a pre-departure orientation manual in 2012, focusing on information specific to women migrant workers. In recent times, UNDP too has undertaken capacity development project to enhance the capacity of the National Human Rights Commission with regard to, inter alia, the rights of migrant workers.

123. Despite these activities regarding the education of migrant workers about their rights, it should be acknowledged that the dissemination of the Convention rights as such has not gone up to a satisfactory level. The government admits that there is the need for specifically disseminating the Convention and informing the aspirant/outgoing migrant workers about the rights arising under the Convention.

C. Part IV of the Convention: Other rights of migrant workers and their families who are in a regular situation

Article 37

Right to be informed before departure of the conditions of admission to the State of employment and of their remunerated activity

124. Article 37obliges "the State of origin or the State of employment, as appropriate" to fully inform the migrant workers about the conditions of their admission to and stay in the country of employment and also about their remunerated activities. As regards the Bangladeshi migrant workers, Bangladesh ensures this right to them by requiring the concerned authorities and persons (such as the recruiters) to inform the outbound migrants about these issues. As seen above, several organizations have been working to promote this right in favor of migrant workers. Rule 21 of the Emigration Rules 2002 provides that, "The Registrar or the recruiting agents shall set up counseling centres to conduct counseling and orientation sessions so that the emigrants earn knowledge about prevalent rules, regulations and contracts relating to overseas employment". Here, the term Registrar refers to the Director General of the Bureau of Manpower, Employment and Training. Although the recruiting agents have not yet set up any such counseling centres for the briefing of outbound migrant workers, the above-noted provision remains an important legal tool for the realization of Article 37.

125. Also, the OEM Act 2013 seeks to ensure implementation of Article-37 by requiring the concerned recruiting agent to cause to be concluded an employment contract between the recruited worker and his employer. Section 22 of the OEM Act 2013 provides that such contract shall contain "stipulations concerning the worker's wages, accommodation facilities, duration of employment, compensation receivable in the event of death or injury, cost of migrating to and of returning from the foreign country" and so on. Any government-owned company or body recruiting Bangladeshi workers are also required to arrange for the conclusion of such employment contract (seethe OEM Act 2013, s. 22(4)). Further, labour attachés in any concerned Bangladesh Mission are under a duty to counsel, in an appropriate case, migrant workers within their jurisdiction with regard to their conditions of admission/stay.

Articles 38, 39

Right to be temporarily absent without effect upon authorization to stay or work; right to liberty of movement and to choose the residence in the territory of the State of employment

126. In Bangladesh, these rights are not impaired by any law or practice with regard to migrant workers employed in Bangladesh. The professionals employed in Bangladesh choose the residence as per their wish.

Articles 40, 41, 42

Right to form associations and trade unions; right to participate in public affairs of their State of origin and to vote and be elected at election of that State; procedure and institutions taking care of the needs of migrant workers and possible enjoyment of political rights in the State of employment

127. As mentioned in paragraph 100 above, the Constitution and the Bangladesh Labour Act 2006 guarantee the right to form and join any association or trade union. This right is available for enjoyment by any worker including a migrant worker, and the law does not

recognize any restriction on the enjoyment of this right other than a reasonable restriction that may be imposed by law for the sake of state security, public order and morality.

128. It should be mentioned in this regard that Bangladesh is a party to ILO Conventions No. 87 of 1948 (concerning the freedom of association and protection of the right to organize), and No. 98 of 1949 (concerning the right to organize and collective bargaining) (see Annex 2).

129. With regard to foreign workers in Bangladesh, the law does not restrict their right to participate in public affairs of their State of origin and to vote and be elected at election in their State, should these rights be allowed by the law of that state. As far as Bangladeshi migrant workers are concerned, the existing legal framework does not allow them to vote and be elected at election in Bangladesh while staying in the countries of employment. The policy-makers are aware of this, and there is a current discourse as to how to include the Bangladeshi expatriates within the electoral processes in Bangladesh. Also, Bangladesh's migrant workers have the right to participate in public affairs of Bangladesh (see arts. 19, 27 & 29 of the Constitution).

130. Article 42 of the Convention calls upon the State Parties to establish institutions and procedures to deal with or take care of migrant workers' social needs, aspirations and obligations in both the State of origin and the State of employment. This Article also provides that in such institutions the migrant workers and members of their families should have their "freely chosen" representatives. With regard to Bangladeshi migrant workers, the Government has already established necessary institutions to deal with their overall aspirations, welfare and obligations. As detailed in paragraphs 31-33 above, in addition to establishing a distinct Ministry (MoEWOE) charged with the affairs of Bangladesh's migrant workers, the government also established a separate Bureau back in 1976 (namely the Bureau of Manpower, Employment and Training)to deal with migrant workers. Further, the Wage Earners' Welfare Fund, the Expatriates' Welfare Bank, and several Labour Welfare Wings in Bangladesh Missions abroad are tasked with the duty of promoting and protecting the rights and welfare of Bangladeshi migrant workers including those that are returnees or/and repatriated. The laws constituting and governing these institutions provide for mechanisms to ensure transparency and accountability of these intuitions. The government continuously seeks for opportunities for the improvement of the capacity of, and increasing transparency in these institutions.

Articles 43, 54, 55

Principle of equality of treatment with nationals of the State of employment in relation to access to educational institutions, vocational guidance, training and facilities, and access to health services and housing schemes and so on

131. As already mentioned above, Bangladesh is not a country of destination for migrant workers. It should nevertheless be mentioned that, as indicated above, Bangladeshi laws and the constitutional normative framework provid. for equality of treatment of foreigners with its nationals in relation to the aspects indicated in these Articles of the Convention.

Equality of treatment as to protection against dismissal, unemployment benefits and access to public work schemes and alternative employment; equality of treatment in the exercise of a remunerated activity

132. With regard to these aspects too, Bangladeshi laws provide for facilities and guarantees for foreigners which are no less than those ensured for nationals of Bangladesh. As mentioned in paragraph 114 above, in particular, no discrimination against any foreign worker is allowed in her/his exercise of remunerated activity.

133. It should be emphasized that, as far as Bangladeshi migrant workers are concerned, the above three articles of the Convention require actions on the part of the countries of destination. It is of vital interest for Bangladeshi migrant workers that the countries of employment consider ratifying the Convention and, pending their ratification, adhere to minimum international standards concerned.

Articles 44 & 50

Protection of the unity of the families of migrant workers and reunification of migrant workers; consequences of death or dissolution of marriage

134. These obligations under Articles 44 and 50 do concern countries of employment, and it is reiterated here that Bangladesh is not a country of employment. Bangladesh here wants to highlight the plights of certain Bangladeshi migrant workers who are reportedly denied of their family-reunion rights. Bangladeshi female domestic workers in some countries of destination are reportedly not allowed to meet or even call their members of family or relatives, depending on the disposition of their respective employers. Also, family members of Bangladeshi migrant workers in certain destination countries face negative consequences of death of principal migrant worker or of dissolution of marriage with him/her. Bangladesh urges countries of employment to protect the rights of Bangladeshi migrant workers by adhering to these international standards stipulated in Articles 44 and 50 of the ICRMW.

135. It may be relevant here to note that, as regards domestic workers employed in Bangladesh, the existing laws provide for their protection against torture and exploitation. The Domestic Violence (Prevention and Protection) Act 2010 (Act 58 of 2010), for example, considers violence against domestic workers (house-maids) as domestic violence and provide for both civil protective remedies. The government is currently working on the draft of a policy naming "Domestic Workers' Protection and Welfare Policy" aiming to provide for a comprehensive protection to domestic workers in Bangladesh, and the registration of domestic workers.

Articles 45 & 53

Enjoyment of equality of treatment for members of the families of migrant workers in the indicated aspects and measures taken to guarantee integration of children of migrant workers in the local school system; right to freely choose a remunerated activity for members of a migrant worker's family

136. With regard to these two Articles, the facts and information provided in the preceding paragraphs 114 & 116 are reiterated.

137. According to local laws, dependents of foreign nationals staying in Bangladesh may not engage in remunerated activities subject to the laws regulating the work. However, there is no restriction on them if they were to find employment and obtain a work permit with relevant visa. Immigration laws of Bangladesh are facilitative of the family reunion-rights of the dependents of foreigners.

Articles 46, 47, 48

Exemption from import and export duties and taxes in respect of particular belongings; imposition of taxes and avoidance of double taxation; right to transfer earnings and savings from the State of employment to the State of origin or any other State

138. According to terms of applicable bilateral agreements with relevant countries and in accordance with local laws, foreigners coming to Bangladesh as experts are allowed to import or bring in household goods and personal effects free of import-tax and duties.

139. With a view to facilitating cross-border flows of income and providing for tax credits or exemptions from double taxation, Bangladesh has entered into agreements with a number of countries. Notably, Bangladesh has entered into treaties with following countries for the avoidance of double taxation, prevention of fiscal evasion, and to facilitate air-transport: the UK, Singapore, Sweden, Republic of Korea, Canada, Pakistan, Romania, France, Malaysia, Japan, India, Germany, the Netherlands, Italy, Sri Lanka, Denmark, China, Belgium, and Poland. Moreover, agreements on the avoidance of double-taxation with some more countries are either awaiting ratification or under the process of conclusion.

140. With regard to the right to transfer earnings under Article 47 of the ICRMW, information and statements made above in paragraph 117 are reiterated.

Articles 51& 52

Right to seek alternative employment in case of termination of the remunerated activity for migrant workers not authorized to freely choose their remunerated activity; conditions and restrictions for migrant workers who can freely choose their remunerated activity

141. According to the applicable local laws, foreign nationals are not restricted from seeking other employment after termination of their existing work/employment.

142. The work permit issued to a foreign national is not subject to arbitrary withdrawal. Any work permit granted may be revoked or cancelled only on the following grounds:

(a) Unauthorized over-stay and failure to renew a work permit after its expiration;

(b) Misrepresentation of facts or falsification of documents submitted while obtaining the work permit;

(c) When the foreign national has been ordered by competent authorities to be deported or to leave the country; and

(d) Non-compliance with the conditions for which the permit was issued.

143. With regard to Bangladeshi migrant workers, the obligations under Articles 51 and 52 are mainly of the countries of employment. Some destination countries are often reported to impose restrictions on migrant workers' right to freely chose work after or before the termination of the first-contracted remunerated activity. In addition, under the kafala-system (sponsorship-system) operational in certain key destination countries, the Bangladeshi migrant workers migrating under the sponsorship of any particular sponsor are usually restricted from moving to other places/companies for work. This system, therefore, potentially leads to exploitation and illegal trade in visas, and often pushes migrant workers to changing local sponsors leading to their eventual unemployment. In most cases, such a situation is regarded by certain destination countries as an irregular situation. Bangladesh, therefore, believes that the underlying conditions of the kafala-system need to be reviewed

to ensuring the realization of the rights and entitlements of the migrant workers employed in the concerned countries.

Articles 49 & 56

Authorization of residence and authorization to engage in a remunerated activity; general prohibition and conditions of expulsion (no expulsion to deprive a migrant worker or a member of his or her family of benefits of authorization of residence/work

144. Bangladesh not being a country of destination, the above provisions of Articles 49 and 56 do concern other countries that host Bangladeshi migrants. However, Bangladeshi laws do not have any provision that violate these rights of the (foreign) migrant workers in Bangladesh or members of their families.

145. As far as Bangladeshi migrant workers are concerned, it deserves to be mentioned that in certain countries of these workers' destination, termination of remunerated activity prior to the expiry of work permit leads to withdrawal of work-permit or expulsion. The lack of this kind security as to residence-permit may push migrant workers to being caught in an irregular situation. Bangladesh therefore urges the relevant countries of employment to make their domestic laws at par with the above provisions of Articles 49 and 56 of the ICRMW. In this regard, Bangladesh likes to emphasize that it discharges its obligation by counseling the migrant workers of Bangladesh for smooth and voluntary return to Bangladesh. Also, in appropriate cases, Bangladesh helps its migrant workers returning from any particular country after the expiration of the employment-contract to re-enter into the same country of employment. BOESL's work in helping 914 migrant workers returning from the Republic of Korea to re-enter that country new job-contracts within the existing legal framework is a case in point.

D. Part V of the Convention: Provisions applicable to particular categories of migrant workers and members of their families

146. Bangladesh is a country of origin of migrant workers, most of who are short term contractual workers. There is no discernible trend of seasonal workers migrating to foreign countries. The number of Bangladeshi sea-farers is not large either, although the sector holds much potential for growth. Given this state of affairs with regard to particular categories of migrant workers under Part V of the Convention, no specific actions have so far been found urgent. The Bangladesh Labour Act 2006, section 4(1)(g), however, considers "seasonal workers" as workers within the meaning of the Act.

E. Part VI of the Convention: Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers

147. Probably, the most important obligatory provisions are to be found in Part VI of the ICRMW, which aim to improve the legal framework of States Parties by conferring upon them certain legislative and policy obligations to promote sound, equitable, humane and lawful conditions concerning international migration of workers and members of their families. With respect to this end, article 64 requires member states to consult and cooperate with each other with a view to establishing a sound, equitable and humane regime of migration. As it is clear from the preceding paragraphs, Bangladesh has taken a number of measures with a view to ensuring sound, equitable, humane and lawful conditions vis-à-vis the international migration of workers.

Article 65

Establishment of appropriate services to deal with questions concerning international migration of workers and members of their families.

148. Article 65 inclusively identifies the functions of the States parties in order to maintain appropriate services for dealing with questions concerning international migration of workers and members of their families. Under this Article, Bangladesh as a State party has an obligation to formulate and implement policies regarding migration. As seen above, Bangladesh has put in place a legal regime to manage and govern international labour migration. Additionally, the country has the Overseas Employment Policy 2006. At present, in consultation with 14 other ministries and over 150 stakeholders, the government is in the process of adopting a new Overseas Employment Policy. The proposed Policy is based on principles and standards enshrined in the national migration law (the OEM Act 2013) and the ICRMW, the Fundamental Conventions of the ILO, and other migrant workers-specific instruments.

149. The major goal of the proposed draft Policy is "thepromotion of full, productive and freely chosen overseas employment, stimulating national economic growth and development, raising levels of living of the migrant workers and their families, supporting labour force's social security requirements and overcoming unemployment and poverty". The proposed Policy is being designed in furtherance of the Government's commitment to maintain an environment that recognizes the inherent worth and dignity of every worker, fosters tolerance, sensitivity, understanding and the respect for the migrant workers, and encourages all duty-bearers and stakeholders to promote decent employment.

150. It is of special note that Bangladesh has adopted the National Skills Development Policy 2013 that aims at diversifying and increasing the skills of Bangladeshi workforce. The policy also proposes setting up of a Skills Development Fund. The MoEWOE also pursues skills building of the workers through infrastructure improvement and collaboration with the Directorate of Technical Education and Bangladesh Technical Education Board. The government, in partnership with the World Bank, has also launched a project (the Skills and Training Enhancement Project) in order to strengthen selected public and private training institutions to improve training quality and employability of trainees, including those from disadvantaged socioeconomic backgrounds. Specially, this Project has the needs of Bangladeshi migrant workers in mind, in particular to enable the aspiring migrant workers to have access to training on vocational industry-specific skills. Under this Project, 69,000 diploma students from 93 polytechnic institutions (43 of which are public) have received stipends so far, and 29,700 trainees received training from the Project-funded 30 polytechnic and 50 technical training providers. Of the beneficiaries, 25% are women.(For details, visit at: http://www.worldbank.org/en/results/2014/04/11/bangladesh-skills-and-training-enhancement-project, last visited on 4 September 2014).There is also a plan to set up around 400 more technical training centres with the assistance of the World Bank and the Asian Development Bank. BMET has ensured coordination with the Ministry of Education for the application of the National Training and Vocational Qualifications Framework (NTVQF), roll-out of the new curricula and courses that aligns with the NTVQF. Alongside, Bangladesh is trying to improve language skills of the workers who migrate. With support from the ILO and BRAC Institute of Languages, BMET has developed trilingual basic language manuals in Bangla, English and Arabic. The language teaching which underwent a pre-test, is trade-based and available for Construction, Domestic Work, Electrical, and Care giving occupations.

151. Further, several "Principles" (by-laws) have been framed to accord special privileges and honour to best performing remittance-senders, to select non-resident "commercially very important persons" (CIPs), and to regulate the practices of health-examination of

outbound migrant workers. These measures indeed are in line with the Convention-obligation to initiate services relating to international migration.

152. In pursuance of Article 65 of the ICRMW, Bangladesh has been following the tradition of exchanging information and engaging in consultation/negotiation and co-operation with the competent authorities of other countries that receive migrant workers from Bangladesh, even though these States have not ratified the Convention. Through government-channels as well as through private recruiting agents operating in Bangladesh, the Government often passes on to overseas employers, Bangladeshi migrant workers and their organizations appropriate information on policies, laws and regulations relating to migration.

153. Under Article 65 of the Convention, Bangladesh has a further obligation to facilitate the provision of adequate consular and other services that are necessary to meet the social, cultural and other needs of migrant workers and members of their families. The government has also instructed all Bangladesh Missions abroad to provide for adequate consular and other services to meet the needs of migrant workers, including their social, cultural and other needs. As of June 2014, the government has established 28labour wings in 27 destination countries. Labour attachés appointed to Bangladesh Missions abroad do receive foundation and continuing trainings on international labour migration, and especially on how to protect the rights and interest of Bangladeshi migrant workers overseas.

154. According to section 24(3) of the OEM Act 2013, the Labour Welfare Wing established in any Foreign Mission is required to send a report to the Government of Bangladesh detailing the legal aid services and counselling provided to, and measures taken to resolve the problems of Bangladeshi migrant workers. The government, with technical assistance from IOM, has developed Standard Operating Procedures for Mission Officials including labour attaches to follow in the discharge of their functions. With regard to migrant workers of Bangladesh, the Missions abroad perform the following, inter alia, major diplomatic and consular services:

(a) Inspect the place of work;

(b) Assist the migrant workers in sending remittance;

(c) Work for the over-all welfare of migrant workers;

(d) Assist the migrant workers in respect of accommodation, treatment and other facilities;

(e) Provide legal assistance and counselling;

(f) Help in sorting out any problem of migrant workers relating to their conditions of work;

(g) Dispose of complaints between a migrant worker and his/her employer or between a migrant worker and the recruiting agent;

(h) Attend to appropriate courts in the host country to assist the migrant workers in settling their legal claims against the employer;

(i) Attend to death cases and facilitate the realization of compensation for occupational deaths or injuries;

(j) Verify different types of documents and paperwork including employment contracts;

(k) Attest to documents that a migrant worker needs to use;

(l) Issue travel documents, passports, and other documents; and

(m) Facilitate the observance of social and cultural festivals/events and to help create cultural societies.

Article 66

Authorized operations and bodies for the recruitment of workers for employment in another State

155. Article 66 (1) provides that, "operations with a view to the recruitment of workers for employment in another State" are to be undertaken by "public services or bodies of the [sending] State". Under this article, however, the responsibility of recruitment, training and departure of migrant workers from the country may be assigned by virtue of any law to any recruiting agent or to prospective employers with a proper supervision/control of the Bangladesh Government. This obligation is met in the OEM Act 2013, section 3(1) of which provides that "[t]he control of all activities relating to the recruitment and sending of workers from Bangladesh for the purpose of overseas employment shall be vested in the Government or any authorities authorised by it". Section 3(2) of the Act further provides that the Bureau of Manpower, Employment and Training (BMET), or any company or body established by the Government, and recruiting agents may conduct activities relating to recruitment under this Act. As seen above, the BMET has the mandate to oversee the over-all processes of recruitment and training of migrant workers, while the state-owned company BOESL can recruit Bangladeshi migrants for overseas employment. According to the existing laws no private person other than a registered recruiting agent can recruit aspiring migrants for overseas employment. The Recruiting Agents' Conduct and Licensing Rules 2002 provides for conditions of registration of recruiting agents, and the bases for regulation of them by the Government Authorities.

Article 67

Measures regarding the orderly return of migrant workers and members of their families to the State of origin, their resettlement and cultural reintegration

156. Article 67, paragraph 1, provides that, States Parties have a duty mutually to cooperate in the adoption of measures regarding the orderly return of migrant workers and their family-members to the State of origin. This duty applies with regard to migrant workers who want to return home voluntarily as well as to those whose "authorization of residence or employment" has expired and to the migrant workers who are, or have ended up, in an irregular situation in the State of employment. Because most countries that employ Bangladeshi migrant workers have not yet ratified the Convention, Bangladesh, in effect, is not in a position to effectively implement the above obligation. However, the local laws and policies of Bangladesh promote safe, orderly and voluntary repatriation of its migrant workers and members of their families. The Government's facilitation of return of Bangladeshi migrant workers who were caught in the Libya crisis in 2012 is undoubtedly a good example of Bangladesh's sincere efforts to uphold the migrant workers' right to return and rehabilitate.

157. Bangladeshi migrant workers are often reportedly sent back to the country on the ground of "illegal stay", which occurs in most cases on the expiration of their work permit or the residence permit. By the Convention standards and norms, these situations should not automatically lead to expulsion of workers or their termination from work. There are also occasional reports of Bangladeshi migrant workers being arbitrarily detained and deported merely because their work permits have expired or because they have changed the employers/sponsors. Bangladesh believes that appropriate bi-lateral arrangements, concluded in light of the Convention-principles, with the countries concerned may help reduce the adverse impact of such measures.

158. On the other hand, under Article 67, paragraph 2, States Parties concerned have a duty to co-operate with a view to promoting adequate economic conditions for the resettlement of migrant workers in regular situation and to facilitating their durable social and cultural reintegration in the State of origin. Although there is no such major bilateral arrangement so far, the government has been implementing a number of projects and initiatives regarding the rehabilitation and reintegretion of Bangladeshi migrant workers who are returning from the destination countries. A number of such activities, undertaken in cooperation with international organizations such as the ILO, IOM and UN Women, are in operation now. The Expatriates' Welfare Bank, the specialized bank for the migrant workers, is advancing loans for the rehabilitation of migrant workers (see paras. 42-43 above). To respond better to the needs of the women migrant workers, BMET conducted a needs assessment in 2010, which became the basis for some of these projects. Currently, MoEWOE, Bangladesh Institute of Labour Studies and ILO are completing a profiling survey of the returning workers, which is mapping the skills, competencies and resources of the returning workers for the purpose of planning professional re-integration strategies and programmes. Simultaneously, the BMET has been in technical cooperation with the Technical Education Board to set up two "Recognition of Prior Learning (RPL)" centres in the Technical Training Centres of the BMET. This initiative is new and is aimed at giving formal recognition to the skills and competencies workers acquired on the job and for guiding them a learning pathway for career development. These efforts will benefit from the recently established database of the returning workers which has been setup by the BMET in cooperation with the ILO and IOM. Cooperation between the Special Branch, Bangladesh Police under MoHA and BMET has resulted in an agreement that the database will be updated on a monthly basis.

Article 68

Measures aimed at the prevention and elimination of illegal or clandestine movements and employment of migrant workers in an irregular situation.

159. Article 68 clearly creates a twofold obligation for every ratifying State. First, it creates a duty for state Parties to initiate collaborative efforts in order to prevent and eliminate illegal or clandestine movements of migrant workers and employment of migrant workers in an irregular situation. Secondly, it provides for a duty to take specific measures to eliminate illegal or clandestine movements of migrant workers (including trafficking in persons for the purpose of exploiting labour).

160. Bangladesh has put in place a legal framework to prevent and penalize unlawful movements and transfer of migrant workers, especially since the Emigration Ordinance (now repealed) was promulgated in 1982. Recently, Bangladesh has witnessed a heretofore unprecedented rise in unlawful acts, by organized criminal groups, in organizing clandestine transfer of people allegedly to Malaysia/Thailand through the sea voyages. This illegal trade of human transfer has already claimed lives of many innocent people. Bangladesh, therefore, has enacted provisions for effective sanctions on persons, groups or entities that operate, organize, or assist in organizing or operating such clandestine movements of aspiring migrants. Section 34 of the OEM Act 2013 criminalizes the inhumane trade of smuggling of migrants, providing that whoever arranges for, or renders assistance in the departure of any person from Bangladesh through a place other than the specified place of departure shall be punished with imprisonment with hard labour for up to ten years and with fine of up to five hundred thousand taka.

161. The government has notified that migration for overseas work can only be made through Dhaka, Chittagong and Sylhet international airports. As such, those arranging for unlawful departures/travel of aspiring migrants through sea are now within the scope of above criminal sanction. Further, the OEM Act 2013 (s. 32) criminalizes the publication of

any unauthorized advertisement for the purpose of recruitment for overseas employment. This aims at preventing misleading and fraudulent information relating to emigration or overseas employment for Bangladeshi migrants. Admittedly, however, no legal provision currently prohibits specifically the employment in Bangladesh any foreign worker in an irregular situation or the dissemination of misleading information as to immigration of foreign workers into Bangladesh.

162. Further, in order to prevent and eliminate irregular/clandestine movements of migrants, the Ministry of Expatriates' Welfare and Overseas Employment has established an inter-ministerial mechanism, namely the Vigilance Task Force (VTF). The VTF, which comprises officials from other relevant ministries and agencies of the government, has the mandate of preventing and stopping abusive/exploitive recruitment of migrant workers, or their unlawful transfer to foreign employers.

163. It is clear that article 68 also creates an obligation to take measures against trafficking in migrant workers as well as trafficking in human beings for any kind of exploitation, especially exploitation for labour. In 2012, Bangladesh enacted an anti-human-trafficking legislation, namely the Prevention and Suppression of Human Trafficking Act 2012 (PSHT). Sections 6 and 7 of the PSHT Act 2012 prescribe severe penalty for, respectively, human trafficking and human trafficking as an organized crime. Importantly, section 3 (explanation) of this Act provides that, "if any person induces or assists any other person through deception and for bad intention to move, migrate, or emigrate for work [...] outside of the territory of Bangladesh" knowingly that "such other person would be put into exploitative labour conditions similar to practices of servitude or forced labour", such act of the person shall be regarded as an act within the meaning of "human trafficking".

164. The Ministry of Home Affairs, partnering with other agencies (such as the anti-human-trafficking cell in the Police Headquarters) and civil society organizations, has been actively working for the implementation of the PSHT Act 2012. Following the enactment of the PSHT Act 2012, a few cases have been prosecuted against certain travel agents and recalcitrant recruiting agents or other individual offenders who under the garb of recruiting aspirant migrants for overseas work indulged in activities that are indeed human trafficking for labour exploitation.

165. The Government has also put in place several schemes to facilitate the detection of victims of human trafficking abroad, to bring them back to the country, and to help them reintegrate into society and families. An example of these initiatives is the operationalization of an RRRI (Rescue, Repatriation, Rehabilitation and Re-integration) arrangement with India to bring back the victims of trafficking from India (Wes Bengal). Under this arrangement, a good number of trafficking victims have been repatriated. Bangladesh also ratified the SAARC Convention on Mutual Assistance in Criminal Matters, 2008, which is relevant for the prosecution of human traffickers in this Region as well as to protect the rights of Bangladeshi nationals involved in criminal proceedings abroad. The government has since long been working to bring back victims of trafficking from other countries, too. Many of the trafficking victims rescued and rehabilitated were in fact allured to migrate with false promises of overseas work.

Article 69

Measures taken to ensure that migrant workers in an irregular situation do not persist in this condition within the territory of a State party and circumstances to take into account in case of regularization procedures

166. Article 69 requires the States Parties to "consider the possibility of regularizing" the situation of migrant workers and members of their families who are in an irregular situation

within their territory in accordance with the applicable national legislation, and bilateral or multilateral agreements. While article 69 does not seem categorically to impose a duty on a State of origin, a combined reading of articles 67 and 69 shows that source countries have a duty to cooperate with receiving states in the regularization of irregular workers in the State of employment and to "take appropriate measures" to ensure that their irregular situation does not persist.

167. In Bangladesh, there is no record of any undocumented migrant workers. By contrast, many of its migrant workers are in an irregular situation abroad. Bangladesh acknowledges its duty towards this vulnerable group of migrant workers who do not, however, have an automatic right of regularization (Art. 35 of the ICRMW). Although Bangladesh has not yet entered into any stand-alone treaty with any country with a view to facilitating the regularization of its migrant workers, it has a longstanding practice of initiating negotiations with countries in which its migrant workers are found in an irregular situation. In the recent past, it successfully cooperated with the Kingdom of Saudi Arabia in regularizing the situation of some 800, 000 Bangladeshi migrant workers. Bangladesh also successfully negotiated and worked with Malaysia and Iraq in regularizing, respectively, 267, 803 and 10,000 Bangladeshi migrant workers who were in an irregular situation there.

Article 70

Measures taken to ensure standard living conditions of migrant workers

168. Article 70 provides that, States Parties have a duty to take measures no less favourable than those applied to nationals to ensure that working and living conditions of documented migrant workers are in keeping with the standards of fitness, safety, health and principles of human dignity. Having received no foreign workers, Bangladesh is not presently required to discharge this obligation with regard to migrant workers who are nationals of other countries. However, working conditions are clearly regulated by the "Bangladesh Labour Act 2006" and "National Occupational Health and Safety Policy 2013" which put much emphasis on safety and health of the workers, and they are not discriminatory against any foreign workers.

169. As regards the Bangladeshi migrant workers in the countries of employment, Article 70 attracts the obligations of the Bangladeshi workers' receiving countries, the majority of which, as already said, have not yet ratified the Convention. Bangladesh can on its own discharge the article 70-obligation by entering into bi-lateral agreements with migrants receiving country with regard to the standard conditions of their life in the countries of employment. The OEM Act 2013 authorizes the Government to enter into such agreements. Section 25 of this Act provides that, the government may conclude memorandum of understanding or agreement with the concerned country with a view to "ensuring the welfare and rights of migrant workers including any migrant and the members of their families", and that the basis of any such agreement shall be "the protection of rights, safety and human dignity of all migrant workers within the country or abroad" and "the protection of labour and other human rights of Bangladeshi migrant workers in the concerned country, and ensuring of a working environment compatible with international standards". Importantly, pending any such memorandum of understanding concerning the working conditions of Bangladeshi migrant workers, the OEM Act 2013 seeks to ensure those standards via the labour diplomacy and inspection of factories/working places of the Bangladeshi migrant workers. Section 24 of the Act says that the authorized officer of the concerned Labour Welfare Wing in any Bangladesh Mission abroad shall inspect the places of work of (Bangladeshi) migrant workers and shall meet their employers where necessary. The objective of this provision is to ensure the living standard and safe working conditions for Bangladeshi migrant workers abroad.

Article 71

Repatriation of the bodies of deceased migrant workers or members of their families and compensation matters relating to the death

170. Article 71 requires the States Parties to facilitate the repatriation the State of origin of the bodies of deceased migrant workers or members of their families as well as to provide assistance to the persons concerned with a view to the prompt settlement of compensation matters relating to the death of migrant workers. This obligation predominantly concerns the destination country of migrant workers. As regards the Bangladeshi migrant workers, however, the Government of Bangladesh is extremely sensitized and concerned about the easy and hassle-free repatriation of bodies of the deceased. It has also introduced a service to help the families of the deceased migrant workers to have, or to settle the claims relating to, the compensation for deaths of migrant workers while in work. The Wage Earners' Welfare Board set up with one-time contribution by the migrating workers discharges the functions with regard to the claiming and realization of compensation for the deaths/injuries of Bangladeshi migrant workers overseas, while the concerned Foreign Mission of Bangladesh plays its due role in this regard. The following is a graph that shows the number of deaths of Bangladeshi migrant workers overseas for the years 2011-2013.

Table 2
Deaths of the Bangladeshi workers due to natural and other causes (2009-2013)

	Death of Bangladeshi Migrant Workers while in the country of destination (persons)		
Year	*Natural deaths*	*Accident at workplace*	*Road accidents, suicides and other*
2009	2 397	256	725
2010	2 204	268	744
2011	2 248	242	769
2012	2 346	265	792
2013	2 487	260	788

Source: BMET.

171. In repatriating the dead bodies, the assigned labour attaché acting under the guidance and instruction of the Head of the Bangladesh Mission concerned oversees the process of repatriation of bodies. The labour attachés are oriented and (compulsorily) trained on how to deal with cases relating to deaths of migrant workers as well as on how to manage other crisis situation. On the other hand, the Government provides financial assistance (an amount of BDT 35,000) to the family of every deceased migrant worker to help them meet funeral expenses. It also pays out to every such family an amount of BDT 300,000 against the death of every migrant worker, irrespective of his/her legal status and also of whether or not the deceased's family is entitled to any compensation from the employer or the government of the host country.

Annexes

Annex I

List of civil society organizations, Government agencies, national institutions and other stakeholders consulted

Government agencies, national institutions Consulted

The Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE)

The Ministry of Home Affairs (MoHA)

The Ministry of Foreign Affairs (MoFA)

The Ministry of Local Government and Rural Development (MoLGRD)

The Ministry ofLabour and Employment (MoLE)

The Ministry of Women and Children's Affairs (MoWCA)

The Ministry of Civil Aviation and Tourism (MoCAT)

The National Human Rights Commission (NHRC)

The Bureau of Manpower, Employment and Training (BMET)

The Wage Earners Welfare Fund Governing Board (WEWB)

ProbashiKallyan Bank (PKB)

Bangladesh Overseas Employment Services Ltd. (BOESL)

Civil society organizations

Association for Community Development (ACD)
House # 41, Sagarpara, Rajshahi 6100
Web: http://www.acdbd.org

BRAC
BRAC Centre, 75 Mohakhali, Dhaka-1212

Rights Jessore
RS Bhaban, (2nd Floor), Jail Road, Jessore 7400, Bangladesh

Ovibashi Karmi Unnayan Program (OKUP)
542 MridhaPlaza, South Dania, Dhaka 1236, Bangladesh
Tel: +88 02 7553737; Fax: +88 02 7553737
Email: okup.ent@gmail.com; Website: www.okup.org.bd

Bangladesh Legal Aid and Services Trust (BLAST)
1/1 Pioneer Road, Kakrail, Dhaka-1000

Socialist Labour Front-Socialist Party of Bangladesh
22/1, Topkhana Road, Dhaka-1000.

Garment Workers' Trade Union Centre
MuktiBhaban, 2, Comrade MoniShingha Street, Old Paltan, Dhaka-1000

Welfare Association for Repatriated Bangladeshi Employees (WARBE)
9/31-D, Eastern Plaza (8thFloor), Shonergaon Road, Hatirpul, Dhaka-1205.

Bangladesh Migrants' Foundation (BMF)
House No. 14 (2nd Floor), Road No. 12, Shekhertak, Adabor, Dhaka-1207.

Bangladesh National Women Lawyers' Association (BNWLA)
Monico Mina Tower, 48/3, West Agargaon, Dhaka-1207.

Bangladesh Employers' Federation (BEF)
Chamber Building (4th Floor), 122-124, Motijheel CA, Dhaka

Ain O Salish Kendro (ASK)
7/17, Block - B, Lalmatia, Dhaka-1207.

Refugee and Migratory Movement Research Unit (RMMRU)
SattarBhaban (4th Floor), 3/3-E, Bijoynagar, Dhaka-1000.

Bangladesh Migrant Welfare Organization (BMWO)
260/3 East Rampura, Dhaka-1219.

Bangladesh MohilaParishad (BMP)
Sufia Kamal Bhaban, 10/B/1, Segunbagicha, Dhaka.

Annex II

List of International Labour Conventions Ratified (or Acceded to) by Bangladesh

35 Conventions

(a) Fundamental Conventions: 7 of 8;

(b) Governance Conventions (Priority): 2 of 4;

(c) Technical Conventions: 26 of 177;

(d) Out of 35 Conventions ratified by Bangladesh, 33 are in force, No Convention has been denounced; 2 have been ratified in the past 12 months.

Fundamental

Convention	*Date*	*Status*	*Note*
C029 - Forced Labour Convention, 1930 (No. 29)	22 Jun 1972	In Force	
C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	22 Jun 1972	In Force	
C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	22 Jun 1972	In Force	
C100 - Equal Remuneration Convention, 1951 (No. 100)	28 Jan 1998	In Force	
C105 - Abolition of Forced Labour Convention, 1957 (No. 105)	22 Jun 1972	In Force	
C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	22 Jun 1972	In Force	
C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)	12 Mar 2001	In Force	

Governance

Convention	*Date*	*Status*	*Note*
C081 - Labour Inspection Convention, 1947 (No. 81)	22 Jun 1972	In Force	
C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	17 Apr 1979	In Force	

Technical

Convention	*Date*	*Status*	*Note*
C001 - Hours of Work (Industry) Convention, 1919 (No. 1)	22 Jun 1972	In Force	
C004 - Night Work (Women) Convention, 1919 (No. 4)	22 Jun 1972	In Force	
C006 - Night Work of Young Persons (Industry) Convention, 1919 (No. 6)	22 Jun 1972	In Force	
C011 - Right of Association (Agriculture) Convention, 1921 (No. 11)	22 Jun 1972	In Force	
C014 - Weekly Rest (Industry) Convention, 1921 (No. 14)	22 Jun 1972	In Force	
C015 - Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)	22 Jun 1972	In Force	
C016 - Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)	22 Jun 1972	In Force	
C018 - Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)	22 Jun 1972	In Force	
C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	22 Jun 1972	In Force	
C021 - Inspection of Emigrants Convention, 1926 (No. 21)	22 Jun 1972	In Force	
C022 - Seamen's Articles of Agreement Convention, 1926 (No. 22)	22 Jun 1972	In Force	
C027 - Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)	22 Jun 1972	In Force	
C032 - Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32)	22 Jun 1972	In Force	
C045 - Underground Work (Women) Convention, 1935 (No. 45)	22 Jun 1972	In Force	
C059 - Minimum Age (Industry) Convention (Revised), 1937 (No. 59)	22 Jun 1972	In Force	
C080 - Final Articles Revision Convention, 1946 (No. 80)	22 Jun 1972	In Force	

Convention	*Date*	*Status*	*Note*
C089 - Night Work (Women) Convention (Revised), 1948 (No. 89)	22 Jun 1972	In Force	
C090 - Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)	22 Jun 1972	In Force	
C096 - Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) Has accepted the provisions of Part II	22 Jun 1972	In Force	
C106 - Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)The Government has declared that the Convention also applies to persons employed in the establishments specified in Article 3, paragraph 1(c).	22 Jun 1972	In Force	
C107 - Indigenous and Tribal Populations Convention, 1957 (No. 107)	22 Jun 1972	In Force	
C116 - Final Articles Revision Convention, 1961 (No. 116)	22 Jun 1972	In Force	
C118 - Equality of Treatment (Social Security) Convention, 1962 (No. 118) Has accepted Branches (c) and (g)	22 Jun 1972	In Force	
C149 - Nursing Personnel Convention, 1977 (No. 149)	17 Apr 1979	In Force	
C185 - Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)	28 Apr 2014	Not in force	The Convention will enter into force for Bangladesh on 28 Oct 2014.
MLC - Maritime Labour Convention, 2006 (MLC, 2006)	28 Apr 2014	Not in force	Instrument of ratification received but not registered pending information under Standard A4.5 §10

Annex III

List of Agreements, Protocols, Memorandums of Understanding and Other Bi-lateral Arrangements between Bangladesh and Countries of Destination of Bangladeshi Migrant Workers

Agreements

- Agreement Between the Government of Qatar and the Government of the People's Republic of Bangladesh on the Organization of Bangladeshi Manpower in the State of Qatar (28 January 1988)
- Additional Protocol to the Agreement Between the People's Republic of Bangladesh and the State of Qatar on the Regulation of the Employment of Bangladesh Citizens Signed on 28 January 1988 (6 January 2008)
- Technical Cooperative Agreement Between the Government of the State of Kuwait and the People's Republic of Bangladesh on the [Affairs of] Manpower (31 October 2000)

Memorandums of Understanding

- Memorandum of Understanding Between the Government of the People's Republic of Bangladesh and the Great Socialist Peoples' Libyan Arab Jamahiriya in the Field of Manpower (31 October 2008)
- Memorandum of Understanding on the Cooperation in the Field of Manpower Between the Ministry of Labour and Social Affairs of the Republic of Iraq and the Ministry of Expatriates' Welfare and Overseas Employment of the People's Republic of Bangladesh (31 August 2013)
- Memorandum of Understanding Between the Government of the People's Republic of Bangladesh and the Government of the Republic of Maldives Concerning Placement of Manpower (29 May 2011)
- Memorandum of Understanding Between the Government of United Arab Emirates and the Government of the People's Republic of Bangladesh in the Field of Manpower (21 May 2007)
- Memorandum of Understanding Between the Ministry of Expatriates' Welfare and Overseas Employment of Bangladesh and the Ministry of Labour of the Republic of Korea on the sending of Workers to the Republic of Korea under the Employment Permit System (13 June 2012)
- Memorandum of Understanding on the Employment of Workers Between the Government of Malaysia and the Government of the People's Republic of Bangladesh (26 Nov 2012)
- Memorandum of Understanding Between the People's Republic of Bangladesh/Ministry of Expatriates' Welfare and Overseas Employment and the Hashemite Kingdom of Jordan/Ministry of Labour in the Field of Manpower (26 April 2012)

- Annex to the Memorandum of Understanding in the Field of Manpower Between the People's Republic of Bangladesh/Ministry of Expatriates and Overseas Employment of the Government of the Hashemite Kingdom of Jordan/Ministry of Labour the People's Republic of Bangladesh/Ministry of Expatriates' Welfare and Overseas Employment on the Recruitment and Employment of Bangladeshi Domestic Female Workers (26 April 2012)
- Memorandum of Understanding Between the Ministry of Manpower in the Sultanate of Oman and the Ministry of Expatriates' Welfare and Overseas Employment in the People's Republic of Bangladesh in the Field of Manpower (10 May 2008)

Memorandum of Understanding or Arrangements between Bangladesh and Non-State Actors in Countries of Destination

- Memorandum of Understanding for the Recruitment of Domestic Female Workers from Bangladesh to Hong Kong Between BMET of the People's Republic of Bangladesh, (2) The General Chamber of Hong Kong Manpower Ag Limited of Hong Kong SAR PRC and (3) the Recruiting Agencies Authorized to Send Female Domestic Workers (31 May 2012)
- Arrangement Between BMET and Technical Employment Service Centre Ltd for Facilitating Training and Recruitment of Domestic Female Workers from Bangladesh to Hong Kong (10 Oct 2012)
- Arrangement between BMET and the General Chamber of Hong Kong Manpower Agencies Limited of Hong Kong Concerning Deployment of Bangladeshi Female Domestic Workers(FDW) to Hong Kong and Training of the FDW (12 September 2012).
- Memorandum of Understanding Between BMET and the General Chamber of Hong Kong Manpower Agencies Limited of Hong Kong SAR PRC on the Recruitment of Domestic Female Helpers (Housekeepers) from Bangladesh to Hong Kong (5 March 2013).
- Memorandum of Understanding on the Recruitment of Domestic Female Helpers (Housekeepers) from Bangladesh to Hong Kong between the Bureau of Manpower, Employment and Training (Bangladesh) and Hong Kong Home Services Association Ltd (Hong Kong SAR PRC) (signed on 16 July 2013).